

**2018**  
**GUIDE TO TEXAS LAWS**  
**FOR COUNTY OFFICIALS**

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**TEXAS ASSOCIATION OF COUNTIES**

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# INTRODUCTION

## **PURPOSE OF THE GUIDE**

The statutory duties and responsibilities of county government officials in Texas are numerous. They range from mandatory requirements pertaining to essential public functions to optional authority to carry out discretionary activities. Responsibilities of county officials are found throughout the Texas Constitution, Texas Revised Civil Statutes Annotated, and the various codes, including the Local Government Code, Agriculture Code, Election Code, Government Code, Natural Resources Code, Family Code, Tax Code, Parks and Wildlife Code, Water Code, and Business and Commerce Code. Some applicable laws were enacted before 1900. However, many statutory responsibilities have been added or redefined during recent legislative sessions.

This guide is a compilation of current statutes affecting the administration and operation of the principal county offices. While the compilation informs county officials about the more important statutes affecting their offices, it is primarily intended to provide them with a convenient reference source for questions regarding the scope of their individual duties.

While most of the referenced statutes apply to officials of all counties, actual county operations vary according to population, geographic location, and other factors. For example, larger counties may provide a broader range of programs pertaining to human resources and economic development. Also, counties along the Gulf Coast have some powers not granted to other counties. Thus, county officials in some counties have responsibilities that their counterparts in other counties do not have.

## **FOCUS OF THE GUIDE**

While this guide is comprehensive, it does not list every statute that may affect county government. The document is intended primarily as a quick reference guide for county officials. Its main focus is a description of the office and the administrative duties associated with it. Therefore, the statutes included are those directed at the particular county official, or which enunciate a distinct duty, responsibility, or condition affecting the office. Financial, personnel, public welfare, and ministerial responsibilities were emphasized. Statutes that were not generally included were those pertaining to criminal law enforcement and the judiciary. (An exception was made for the justice of the peace, since the main duties of this officer are judicial in nature.) Therefore, statutory responsibilities and laws affecting county offices listed in the Penal Code, Code of Criminal Procedure, and Rules of Civil Procedure are generally not included.

Also, population bracket laws that apply only to counties in a specific population category were generally not included.

For each office, the various duties were divided into general categories, indicated by descriptive sentences. Then, categories were separated by subject groupings, indicated by spacing. Similar statutes relating to different county officers were not always located under the same category. Some categories were combined for the sake of brevity. The approach was to identify a function or responsibility, not to record the statute in total. Consequently, the statutes were summarized as briefly as possible. Mandatory duties were summarized as briefly as possible. Mandatory duties were indicated, wherever possible, by "shall" or "must." Discretionary duties, or duties directed at more than one officer, were indicated by "may." A short narrative description of each office precedes the listing of responsibilities.

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## COUNTY COMMISSIONERS COURT

The commissioners court is the governing body of the county. The Texas Constitution specifies that the courts consist of a county judge and four county commissioners elected by the qualified voters of individual commissioners precincts. The county judge is the presiding officer of the county commissioners court. The court has the authority to divide the county into four individual commissioners' precincts. The court shall exercise powers over county business as provided by law (Tex. Const. Art. V, Sec. 18).

Many state administrative responsibilities rest with the court as well as a growing number of permissive authorities. The Local Government Code contains many of the provisions that guide the commissioners court in carrying out its responsibilities for the operation of county government. For example, the Code covers the duties and authority of the commissioners court and other officers related to financial management, public officers and employees, regulatory matters, property acquisition, buildings, and many other areas of county affairs. Another important statute concerning the commissioners court is Chapter 81 of the Local Government Code, which sets out the following responsibilities and powers:

- ◆ Establish public ferries where required.
- ◆ Lay out and establish, change, and discontinue public roads.
- ◆ Build bridges and keep them in repair.
- ◆ Appoint road overseers and apportion hands.
- ◆ Exercise general control over all roads, highways, ferries, and bridges.
- ◆ Provide for the support of paupers.
- ◆ Provide for burial of paupers.
- ◆ Acquire property necessary to obtain a surface water supply or to transport and deliver surface water.

Numerous other statutes augment the above grants of authority. To provide an index to the multiplicity of activities of the county commissioners court, the following compilation of statutes summarizes general responsibilities and lists statutory authorizations for each function of the court.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. ROADS AND BRIDGES</b>	
A major area of responsibility for the county commissioners court is construction and maintenance of roads and bridges in the county that are not part of the state highway system. More than 50 counties have their own road and bridge acts, which control when in conflict with general law. When these acts are silent on a subject, then the general law is effective.	
	<b>Local Government Code</b>
Shall require a plat to be prepared prior to subdivision of land;	Sec. 232.001
May specify road construction for subdivisions;	Sec. 232.003
May require a bond from the owner of the tract to be subdivided;	Sec. 232.004
Approve or refuse to approve plats;	Sec. 232.002
May approve subdivisions in accordance with planned future transportation corridors;	Sec. 232.0033
May file an action to enforce subdivision requirements;	Sec. 232.005
Permit revisions or cancellation of a subdivision;	Secs. 232.008; 232.009
May approve amendment of subdivision plats to correct errors;	Sec. 232.011
Must provide for uniformity in permit requirements for approval of subdivision plats;	Sec. 245.001 et seq.
Authority to collect a fee for excavating or cutting the surface of a county road;	Sec. 240.907
Counties with national forest situation may set aside 50 percent of national forest funds received for benefit of public road system in county;	Sec. 130.906
	<b>Government Code</b>
May issue bonds for certain purposes (including jails and courthouses, to purchase and construct bridges for public purposes and to improve and maintain public roads);	Sec. 1301.001
Observe statutory limits on bond issues including overall limit of 5 percent of tax base;	Sec. 1301.003
May enter into interlocal agreements with cities to construct and maintain city streets and alleys;	Sec. 791.032

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. ROADS AND BRIDGES, continued</b>	
	<b>Government Code</b>
May issue road and turnpike bonds and assess taxes to create sinking fund for debt retirement and pay interest, not to exceed 1/4 assessed valuation of real property;	Sec. 1471.011
May call bond election for road and turnpike bonds;	Sec. 1471.015
	<b>Transportation Code</b>
Specified powers of court include general control over all roads, highways, and bridges;	Sec. 251.016
Must report to comptroller, through county auditor, annually stating total road and bridge expenditures made for construction and maintenance;	Sec. 256.009
Adoption of county road map indicating public interest in roadways;	Chapter 258
Repair and replacement of cattle guards on county roads;	Sec. 251.0095
Creation of freight rail districts;	Chapter 171
Creation and participation in regional mobility authorities;	Chapter 370
Authority of county commissioner to remove personal property from county road right-of-way;	Sec. 280.002
Creation and participation in coordinated county transportation authorities;	Chapter 460
May finance city streets with approval of the city;	Sec. 251.012
May accept donations for building or keeping up roads;	Sec. 252.109
May improve subdivision roads and assess property owners;	Sec. 253.001 et seq.
Commissioners shall be ex-officio road commissioners of their respective precincts if adopted by an order of the commissioners court; must post bond with county judge;	Sec. 252.001 et seq.
Adopt system for laying out, draining, and repairing public roads;	Sec. 252.005
Creation of county mass transit authority;	Chapter 457
Creation and participation in rural and urban transit districts;	Chapter 458
Road district toll roads;	Chapter 365
Regulation of sight distances on county roads;	Chapter 255

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. ROADS AND BRIDGES, continued</b>	
	<b>Transportation Code</b>
Make and enforce all reasonable and necessary rules and orders for the construction and maintenance of public roads;	Sec. 251.003
May accept donations of labor, money, and property for construction and maintenance of county roads;	Sec. 252.314
Establish road connecting land to road system (neighborhood road);	Sec. 251.053
Request advice on plans or specifications for road construction from Texas Department of Transportation (TxDOT);	Sec. 201.803
Acquire right-of-way as requested by TxDOT;	Sec. 224.002
May condemn right-of way or materials at request of and for use of the TxDOT;	Sec. 224.003
Select and maintain detour roads when county roads not part of the state system of highways are under construction;	Sec. 251.011
May allow use of county road for civic events;	Sec. 251.158
May forbid use of certain highways under certain conditions;	Sec. 201.901
May provide for the removal of unauthorized signs placed on public road right-of-way and impose civil penalty;	Chapters 392, 393
May assume jurisdiction over roads of the state highway system;	Sec. 224.033
May establish road districts;	Sec. 257.021
May abolish road districts;	Sec. 257.022
Each commissioner in charge of a road district or precinct has power to contract up to \$50;	Sec. 257.002
Counties or portions of counties may join together to form road districts and issue bonds for road construction, maintenance, and operation;	Sec. 257.112
May give memorial designations to parts of highway system; may erect markers with approval of the TxDOT;	Sec. 225.002 et seq.
May apply county traffic regulations to public road within special district;	Sec. 251.151

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. ROADS AND BRIDGES, continued</b>	
	<b>Transportation Code</b>
May direct condemnation proceedings within municipalities for land necessary to county road system or link to state highway;	Sec. 251.101
Must record a public interest in a private road;	Sec. 281.005
Oversee expenditure of road fund;	Sec. 252.108
May employ not more than four road commissioners;	Sec. 252.103
Let contracts for road work;	Sec. 252.213
Provide for convicts working on county roads;	Sec. 252.005
Upon approval of county road system by voters, may appoint county road engineer to be responsible for efficient and economical construction and maintenance of county roads;	Sec. 252.301
Appoint road superintendent and fix salary;	Sec. 252.203
Contribute to TxDOT for proper development and construction of public roads;	Sec. 222.052
Participation in coordinated county transportation authority;	Chapter 460
May cooperate with TxDOT for planning transportation corridors within county;	Sec. 201.619
May not use money from lateral road account for unauthorized purposes;	Sec. 256.008
Use any necessary material most convenient to build, repair, or maintain public roads; regardless of the location or extent of the material; may condemn road materials to be used if agreement for payment is not reached;	Sec. 251.006
May accept donations of money, land, labor, equipment, or any other kind of property or material to aid in building or maintaining roads;	Sec. 252.109
Purchase or hire necessary road machinery, tools, implements, teams, etc., for road work;	Sec. 252.212
Allow use of county road equipment for other governmental entities at a cost not exceeding \$15,000;	Sec. 251.015
Power and authority to cause all necessary bridges to be built and kept in repair;	Sec. 251.081
May contract for building a toll bridge, where inexpedient for county to do so, and set toll to be paid by users for ten years and arrange with builder for upkeep;	Sec. 363.002

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. ROADS AND BRIDGES, continued</b>	
	<b>Transportation Code</b>
Adjoining counties may agree to erect bridges over streams between counties;	Sec. 251.082
May erect bridges in city limits or cooperate with city in erecting bridge;	Sec. 251.083
Shall keep bridges erected in city limits in good repair;	Sec. 251.083
May provide for construction and maintenance of adequate drainage for public roads;	Sec. 254.001 et seq.
May extend traffic rules to roads of private subdivisions and counties with a population of 500,000 or less;	Sec. 542.007
Order that public roads be laid out, opened, discontinued, or altered when necessary;	Sec. 251.051
Allow 20 days for public notice before responding to petition for new road or change on old road;	Sec. 251.052
Shall classify all public roads in their counties;	Sec. 251.007
May provide for the naming of county roads and the assigning of address numbers;	Sec. 251.013
May adopt standards and specification for residential street number signs;	Sec. 251.013
May authorize and construct cattle guards on public roads;	Sec. 251.009
May remove cattle guards upon notice to property owners;	Sec. 251.0096
May approve gates across third class and neighborhood roads;	Sec. 251.010(e)
May authorize any person to make drain along public road for drainage of land;	Sec. 254.001 et seq.
May regulate the sight distance at county road intersections;	Sec. 255.002
May in certain counties regulate roadside vendors, including sale of live animals, along public roads and parking lots;	Sec. 285.001
May authorize bonds for causeways, bridges, tunnels, turnpikes, or highways in Gulf Coast counties (bracket legislation);	Sec. 284.001 et seq.
May grant franchise to private persons or cooperatives for construction, maintenance, and operations of toll underpass or tunnel under bodies of water (bracket legislation for causeways, bridges, tunnels, in Gulf Coast counties);	Sec. 282.001 et seq. Sec. 283.001 et seq.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. ROADS AND BRIDGES, continued</b>	
	<b>Transportation Code</b>
May assess and collect tolls on bridges for which county bonds issued and may create sinking fund;	Sec. 284.069
Counties bordering on river between Texas and Mexico may acquire existing bridges under specified conditions;	Sec. 364.001 et seq.
May in certain counties install street lighting on county roads within a subdivision;	Sec. 280.003
Permits for oversized and overweight vehicles;	Sec. 623.018
May restrict use of county roads and provide alternate route;	Secs. 251.157; 251.1575
	<b>Health &amp; Safety</b>
May dispose of carcasses of animals killed on county roadways by burying on county property;	Sec. 361.117
	<b>Parks &amp; Wildlife Code</b>
May use marl, sand, gravel, shell, or mudshell on roads;	Sec. 86.013
	<b>Utilities Code</b>
Authority of gas utilities to use public rights-of-way;	Sec. 181.021 et seq.
Right of electric utilities to use public rights-of-way;	Sec. 181.041 et seq.
Rights of cable television utilities to use public rights-of-way;	Sec. 181.101 et seq.
	<b>Agriculture Code</b>
May use county road equipment for soil conservation purposes.	Sec. 201.151
<b>2. PERSONNEL</b>	
Commissioners may appoint certain officials to handle other personnel-related duties.	
	<b>Local Government Code</b>
Appoint county librarian;	Sec. 323.005

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. PERSONNEL, continued</b>	
	<b>Local Government Code</b>
May fill vacancies in the office of county judge, county clerk, district and county clerk, sheriff, county attorney, county treasurer, county surveyor, county tax assessor-collector, justice of the peace and constable;	Sec. 87.041
Provide for secretarial personnel;	Sec. 151.901
Authorize county and district officers to appoint deputies and assistants and set salaries;	Secs. 151.001-151.004
Appoint fire marshal;	Sec. 352.011
May employ accountant for independent audit;	Sec. 115.031
Supervise employees necessary to repair, maintain, and operate courthouses in counties over 500,000 with the exception of those supervised by sheriff;	Sec. 291.005
May create civil service commission in counties over 190,000 after authorization by the voters;	Sec. 158.001 et seq.
May arrange with one or more other counties to jointly employ and compensate one or more special auditors in counties with population less than 25,000;	Sec. 115.042
May specify reasons for needing auditor to district judge in order for him to appoint one in county with population less than 10,200;	Sec. 84.002
The commissioners court of two or more counties may agree to jointly employ and compensate a county auditor;	Sec. 84.008
Approve bonds of county clerk; establish self-insurance in lieu of bond;	Sec. 82.001
May authorize appointment of reserve deputy sheriffs or deputy constables and compensate as provided by law;	Secs. 85.004; 86.012
Grievance procedures for county employees in counties with a population of 3.3 million;	Chapter 160
Approve hiring by sheriff of additional guards;	Sec. 85.005
Authorize constable to hire deputies;	Sec. 86.011
Shall appropriate and cause to be paid salaries for assistants to the auditor approved by district judge;	Sec. 84.021
Reimburse auditor for mileage traveling to and from county seat;	Sec. 152.035



**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>PERSONNEL, continued</b>	
	<b>Local Government Code</b>
The commissioners court of a county shall set the amount of compensation, office and travel expenses, and all other allowances for county and precinct offices and employees who are paid wholly from county funds;	Sec. 152.011
May adopt uniform rules on overtime compensation and compensatory time for county employees whose salaries are approved by commissioners court in counties of 355,000 population;	Sec. 157.021
Minimum amounts of salary defined;	Sec. 152.012
Commissioners court shall set the salary, expenses, and other allowances of elected county or precinct officers;	Sec. 152.013
Conduct public hearing before payments in excess of compensation authorized under contract for county employees;	Sec. 180.007
Compliance with financial disclosure requirements;	Chapter 159
Compliance with conflicts of interest statute;	Chapter 171
May authorize payment of reasonable travel expenses of certain persons conducting county business;	Sec. 152.901
May authorize payment of expenses incurred by county and precinct officials for continuing education programs;	Sec.152.907
May provide employee insurance pursuant to the Texas Political Subdivision Employees Uniform Group Benefits Act;	Chapter 172
May provide hospitalization insurance to a county official, deputy, assistant, or other county employee;	Sec. 157.001
May indemnify county officials against personal liability for loss of funds or damage to property;	Sec. 157.903
May obtain insurance and other coverage for county officials and employees, in addition to the district attorney and officials of special districts by participation in a governmental pool or self insurance fund;	Sec. 157.043
May provide for reasonable accommodations for employees partially physically restricted by pregnancy;	Sec. 180.004

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. PERSONNEL, continued</b>	
	<b>Local Government Code</b>
May provide for medical care and hospitalization and may provide for compensation, accident, hospital, and disability insurance for certain persons if salaries are paid from county funds or flood control district in such county;	Sec. 157.002
In county with population of 355,000 or more may adopt uniform rules on the hours of work of department heads, assistants, deputies, and other employees;	Sec. 157.021
May provide pay for services of interpreters employed by the district courts, does not apply to interpreters for deaf persons;	Sec. 152.903
May authorize payroll deductions for credit union membership, dues in labor union or other bona fide employees association, payments to a charitable organization, or payment of fees for parking in a county owned facility;	Sec. 155.001
May provide liability insurance for some or all county officers and employees;	Sec. 157.041
Set fees for services of sheriffs and constables;	Sec. 118.131
Approve bond for sheriff;	Sec. 85.001
Approve amount of bond to be made by county treasurer;	Sec. 83.002
Designation of county purchasing agents;	Sec. 262.011 et seq.
Continuing education requirements for commissioners;	Sec. 81.0025
Acceptance of gifts by the county;	Sec. 81.032
Authority to permit county and precinct officials to collect fees and other charges by credit card;	Sec. 132.001 et seq.
Prohibition of influencing the appointment of deputies and assistants for other offices;	Sec. 151.004
Group health insurance for county employees;	Sec. 157.101 et seq.
Assessment of subdivision plat application fee to cover cost of inspecting roads and drainage;	Sec. 232.0021
Approve amount of bond to be made by county constable;	Secs. 86.002; 86.003
Authorize self-insurance coverage in lieu of official bonds for county officers and employees;	Sec. 88.008

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. PERSONNEL, continued</b>	
	<b>Transportation Code</b>
May employ not more than four road commissioners;	Sec. 252.103
May appoint road superintendent and fix salary;	Sec. 252.203
May, with approval of voters, appoint county road engineer to be responsible for efficient and economical construction and maintenance of county roads;	Sec. 252.301 et seq.
Provide for convicts working on county roads;	Sec. 252.005
May in conjunction with sheriff employ deputies as county traffic officers to enforce highway laws of state; set salaries;	Sec. 701.001 et seq.
	<b>Government Code</b>
May not retaliate against county employees reporting a violation of the law under Whistleblower Act;	Chapter 554
Texas County and District Retirement System;	Chapter 841 et seq.
Prevailing wage rate law;	Chapter 2258
Access to criminal history information for applicants, employees, contractors, and volunteers;	Chapter 411
Designation of emergency liaison officers;	Sec. 418.105
Veteran's employment preferences;	Chapter 657
Restoration to former job for employees called up for military service;	Sec. 437.202(d)
Eight-hour workday for public employees laboring on public works;	Sec. 605.001
Reimbursement for hotel and meal expenses pursuant to guidelines adopted by Texas Ethics Commission;	Sec. 611.001
Right to work law, regardless of labor organization membership;	Sec. 617.004
May obtain criminal history record information for applicants for county employment;	Sec. 411.1295
Contracts for professional and consulting services;	Chapter 2254
	<b>Health and Safety Code</b>
May appoint board of managers for a county hospital;	Sec. 263.041
	<b>Human Resources Code</b>
May fix salaries for members of juvenile board;	Chapter 152
	<b>Election Code</b>
May authorize county clerk rather than tax assessor-collector to register voters;	Sec. 12.031
Appoint election judges;	Sec. 32.002

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. PERSONNEL, continued</b>	
	<b>Labor Code</b>
May contract with Texas Workforce Commission for employment services;	Sec. 307.002
Observance of antidiscrimination laws;	Chapter 21
	<b>Civil Practice and Remedies Code</b>
Prohibition of discrimination based on race, religion, sex, color, or national origin;	Chapter 106
Personal liability of public servants limited to \$100,000.	Chapter 108
<b>3. OFFICES, BOARDS, AND COMMISSIONS</b>	
Commissioners create offices, boards, and commissions to carry out certain purposes.	
	<b>Local Government Code</b>
May set up office of county fire marshal;	Sec. 352.011
In counties over 5,000 may establish board of park commissioners to oversee parks;	Sec. 320.001 et seq.
Implementation of County Building Authority Act in counties with a population of 600,000 or more;	Chapter 293
May appoint county historical commission;	Sec. 318.002
May create county industrial commission;	Sec. 381.001
	<b>Health and Safety Code</b>
May create county hospital authority;	Chapter 264
May establish hospital district in counties of 75,000 or less;	Chapter 282
Optional process to establish hospital district;	Chapter 283
May establish mosquito control district;	Chapter 344
May appoint a health authority;	Chapter 121
	<b>Agriculture Code</b>
May establish noxious weed control district;	Sec. 78.011 et seq.
May establish agricultural experiment farm and station;	Sec. 43.002

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. OFFICES, BOARDS, AND COMMISSIONS (cont.)</b>	
	<b>Natural Resources Code</b>
In counties bordering Gulf of Mexico, may create Beach Park Board of Trustees to improve, equip, finance, maintain, and operate public parks;	Chapter 62
	<b>Code of Criminal Procedure</b>
May establish personal bond office;	Art. 17.42
	<b>Tax Code</b>
Selection of appraisal district representation.	Sec. 6.01 et seq.
<b>4. OPERATING FACILITIES</b>	
Commissioners court is also responsible for providing buildings for use as offices and other operating facilities for the county.	
	<b>Local Government Code</b>
Sale of county real estate;	Sec. 263.001
Provide courthouse and county offices at county seat;	Sec. 291.001
In counties with cities outside the county seat larger than 5,000, may establish branch offices for tax assessor-collector;	Sec. 292.024
May maintain branch courthouse outside of county seat in counties under 30,000 population;	Sec. 292.0231
May provide branch offices in cities other than county seat when county over 110,000 with cities outside county seat of 10,000;	Sec. 292.022
May provide auxiliary courthouse and facilities away from county seat;	Sec. 292.002
May provide buildings or offices other than courthouse for courts and public business;	Sec. 292.001
May acquire as a gift certain real estate;	Sec. 280.002
May lease land acquired for airport;	Sec. 263.051
May lease land acquired from the federal government;	Sec. 263.052

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. OPERATING FACILITIES, continued</b>	
	<b>Local Government Code</b>
Have managerial control over use and operation of buildings used for exhibits and coliseums and auditoriums;	Secs. 319.002-319.004
May rent or provide office space for agencies of federal government engaged in unemployment assistance;	Sec. 272.003
May sell land, building facilities, and lease back in counties over 250,000;	Sec. 263.053
Provide safe, suitable jails;	Sec. 351.001
Provide offices, office supplies, furniture, automobiles, as necessary for county officials;	Sec. 152.011
May exercise right of eminent domain for public purposes;	Secs. 261.001-261.003
May arrange for lease of contiguous city-county land for park purposes;	Sec. 331.008
May operate and maintain parks;	Sec. 331.001
May establish and operate island parks in counties bordering on the Gulf of Mexico;	Sec. 321.001
May operate or lease parking garage near courthouse in counties over 150,000;	Sec. 615.003
Counties on state line may contract outside state for justice centers;	Sec. 361.021 et seq.
May create building authority to provide courthouse (counties over 600,000 after authorization by election);	Sec. 293.001 et seq.
May enter into joint agreement for construction, ownership, and maintenance of buildings, especially the jail, where there is an incorporated city having a population of not less than 2,000 located more than 10 miles away;	Sec. 305.001
May acquire, construct, reconstruct, or remodel buildings to accomplish public purpose;	Sec. 292.001
May own, construct, equip, enlarge, and maintain building or buildings as criminal justice centers;	Sec. 361.002
May acquire real property, easements, and right-of-way in connection with flood control activities;	Sec. 561.001
May acquire land and buildings for parks, playgrounds, historical museums and sites;	Sec. 331.001
May purchase and install public platform tonnage scales to weigh livestock, produce, agricultural, or other products;	Sec. 270.003

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. OPERATING FACILITIES, continued</b>	
	<b>Local Government Code</b>
Auxiliary county buildings within five miles of county seat for counties with a population of 18,000 or less;	Sec. 292.0025
Selection of county depository;	Chapters 116, 117
45-day time period for issuance of county building permits in counties of 3.3 million	Sec. 233.901
May acquire land for and purchase, construct, repair, equip, and other permanent improvements for county library purposes;	Sec. 323.051 et seq.
May provide for the creation of a public facility corporation;	Sec. 303.001 et seq.
Counties bordering on the Gulf of Mexico may establish, construct, maintain seawalls (procedures specified);	Sec. 571.001 et seq.
	<b>Government Code</b>
Counties with a city of 275,000 may issue bonds to erect public health administration buildings and acquire sites and equipment;	Sec. 1473.171 et seq.
May issue bonds in order to construct and maintain facilities for irrigation purposes;	Sec. 1474.001
May own, construct reservoirs, dams, levees, wells, canals, and other improvements, acquire right-of-way;	Sec. 1474.151
May exercise eminent domain to carry out navigation projects;	Sec. 1475.002
May operate parking facilities near coliseums and auditoriums in counties over 1,000,000;	Sec.1473.261 et seq.
May acquire a natural gas system for courthouses and other buildings in certain counties;	Sec. 1477.101 et seq.
Must give six months notice to Texas Historical Commission before sale, lease, or damage of the historical or architectural integrity of courthouse;	Sec. 442.008
Authorize county participation in state-wide technology center;	Sec. 2054.3851
	<b>Health and Safety Code</b>
Lease county hospital;	Chapter 263
Sell and lease back land, buildings, equipment, etc., for hospital district purposes;	Sec. 281.052
May establish hospital and other health facilities;	Sec. 263.021

**COUNTY COMMISSIONERS COURT**

DUTY/RESPONSIBILITY	AUTHORITY
<b>4. OPERATING FACILITIES, continued</b>	
	<b>Health and Safety Code</b>
May contract with cities for establishment and maintenance of hospital;	Sec. 265.002
Provide separate facilities for treatment of tuberculosis;	Sec. 263.023
May acquire land on which to locate public dumping and garbage disposal grounds through use of general fund; right of eminent domain for this purpose;	Sec. 364.014
Comply with building requirements for fire escapes;	Sec. 791.002
Two or more counties may join together to establish a hospital;	Sec. 263.001
May operate solid waste facilities;	Sec. 361.151
	<b>Property Code</b>
Exemption of county property from attachment, execution, forced sales, judgment liens;	Sec. 43.002
	<b>Agriculture Code</b>
Provide supplies and improvements for agricultural experiment station and farm;	Sec. 43.010
May establish and maintain an agricultural experiment station and farm;	Sec. 43.002
May acquire property for agricultural experiment farm and station through donation as close to county seat as possible;	Secs. 43.007; 43.008
	<b>Local Government Code</b>
May allow digital message displays of county information and news in county buildings, with advertising;	Sec. 291.011
	<b>Natural Resources Code</b>
Rent for surveyor's office outside courthouse to be paid by commissioners court.	Sec. 23.016
<b>5. BONDING AUTHORITY</b>	
In order to carry out certain responsibilities, the commissioners court is authorized to issue bonds for certain purposes. Commissioners also responsible for management of debt incurred by the sale of such bonds.	

**COUNTY COMMISSIONERS COURT**



DUTY/RESPONSIBILITY	AUTHORITY
<b>5. BONDING AUTHORITY, continued</b>	
	<b>Local Government Code</b>
May issue revenue bonds in connection with county parks;	Sec. 320.071
May issue bonds to finance construction of seawalls;	Sec. 571.006
May issue bonds for acquisition of land and buildings for parks, playgrounds, and historical museums;	Sec. 331.004
Counties over 600,000--building authority may issue bonds to provide courthouse;	Sec. 293.051
Provisions for issuing certificates of obligation;	Sec. 271.041 et seq.
	<b>Government Code</b>
May issue bonds for the following purposes: To erect county courthouse and jail; to purchase land/buildings for homes for dependent and delinquent boys and girls; to establish county facilities for needy or indigent in the county; to purchase and construct bridges for public purposes; to improve and maintain public roads;	Sec. 1301.001(a)
Authorize and issue bonds approved by voters;	Sec. 1301.001(b)
May levy tax to create sinking funds to retire bonds issued; any surplus to be used for maintaining and repairing courthouse jail, roads, and bridges;	Sec. 1301.004
May issue refunding bonds in lieu of bonds legally issued;	Sec. 1207.001 et seq.
May issue road and turnpike bonds and assess taxes to create sinking fund for debt retirement and pay interest, not to exceed 1/4 assessed valuation of real property;	Sec. 1471.001 et seq.
May levy taxes to meet bond obligations;	Sec. 1251.004
May issue navigation bonds;	Sec. 1475.003
Bonds by coastal counties may be issued for canal purposes;	Sec. 1475.051 et seq.
Issue bonds for irrigation;	Sec. 1474.001
May issue notes or bonds for repairs caused by irrigation damage;	Sec. 1474.003
May exchange bonds for property or in payment of contracted irrigation work to be done;	Sec. 1474.104
May issue revenue bonds to acquire and operate sports center (counties over 1.3 million);	Sec. 1432.001 et seq.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>5. BONDING AUTHORITY, continued</b>	
	<b>Government Code</b>
May issue bonds to acquire manufacturing or commercial facilities;	Sec. 1477.001 et seq.
May issue certificates of indebtedness for construction and operation of firefighter training facilities;	Sec. 1477.201 et seq.
May issue public securities in any denomination;	Sec. 1201.021
May issue bonds to pay for surveys, plats and maps, and assess tax to finance (counties over 500,000);	Sec. 1477.252
May issue revenue bonds if authorized in election to finance acquisition of water;	Sec. 1477.051 et seq.
May issue bonds or time warrants to finance acquisition of fire-fighting equipment;	Sec. 1477.151 et seq.
Counties with a city over 275,000 may issue bonds to erect public health administration buildings and acquire sites and equipment;	Sec. 1473.171 et seq.
Counties over 1.5 million may issue bonds and levy taxes for acquisition/construction of county workhouses and farms for prisoners;	Sec. 1473.191 et seq.
Counties over 1.5 million may issue certificates of indebtedness for acquiring, constructing, and repairing crime detention facilities;	Sec. 1473.231 et seq.
Approve road district bonds;	Sec. 1471.001
May fix period of maturity for bonds not to exceed 40 years and may redeem;	Sec. 1201.021 et seq.
Observe statutory limits of issues for specific type bonds, courthouse bonds, jail bonds, bridge bonds, and for purposes specified;	Sec. 1301.003
May invest sinking fund in specified securities with maturity dates no later than due date of bond redemption; road bonds	Sec. 1471.026
Interest on investments accrues to sinking fund;	Sec. 1471.026
May call bond election for road and turnpike bonds (procedures);	Sec. 1471.015
Issue bonds upon approval of 2/3 of voters;	Sec. 1471.019
Retain custody of bonds until sold to highest bidder and place purchase price in county treasury to credit of road fund;	Sec. 1471.023
Upon petition of voters may call election to determine issuance of compensation bonds;	Sec. 1471.082

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>5. BONDING AUTHORITY, continued</b>	
	<b>Government Code</b>
Observe statutory procedures set out for exchange of bonds between district and county;	Sec. 1471.083
May issue bonds not to exceed 1/4 of assessed valuation of real property in order to construct/maintain facilities for reclamation and irrigation purposes; may levy and collect taxes to retire bonds and create sinking fund;	Sec. 1474.001 et seq.
Observe statutory procedures for issuance, form, and requisites of compensation bonds;	Sec. 1471.084
May hold election on repurchase and cancellation of bonds sold but proceeds unexpended;	Sec. 1471.029
May issue refunding bonds, procedure;	Sec. 1207.001 et seq.
May hold election and order for issuances of navigation bonds;	Sec. 1475.004
Election required to issue bonds;	Sec. 1251.001
Set maturity dates (30-year limit) for road bonds;	Sec. 1471.021
Must include tax levy when submitting bond issue to voters;	Sec. 1251.004
Post time and place of bond election and publish in newspaper;	Sec. 1251.003
May provide for levy and collection of tax to pay annual interest on bonds and provide sinking fund;	Sec. 1251.004
May obtain declaratory judgment concerning validity of issuance of securities;	Sec. 1205.001 et seq.
Procedures for bond issue to refund outstanding causeway revenue bonds;	Sec. 1472.001 et seq.
County bonds, generally;	Chapter 1301
Issuance of anticipation notes;	Sec. 1431.001 et seq.
Issuance of revenue anticipation notes in certain counties;	Sec. 1477.351 et seq.
Issuance of bonds for athletic and sports centers;	Sec. 1432.001 et seq.
Issuance of higher education improvement bonds;	Chapter 1434
Issuance of bonds for parks and fairground facilities;	Chapter 1435
Issuance of bonds for fire fighting equipment;	Sec. 1477.151 et seq.
Issuance of bonds for county water supply;	Sec. 1477.051 et seq.
Payment of interest on county bonds;	Sec. 1301.004
Economic development bonds;	Sec. 1433.001 et seq.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>5. BONDING AUTHORITY, continued</b>	
	<b>Government Code</b>
May call election on cancellation or revocation of authority to issue bonds and refund bonds;	Sec. 1252.001 et seq.
May refund outstanding debt if approved by attorney general;	Sec. 1207.001 et seq.
Issuance of bonds for county buildings;	Chapter 1473
Issuance of private activity bonds;	Sec. 1372.001 et seq.
Issuance of bonds for employment, industrial, and health resources purposes;	Chapter 1433
Public Funds Investment Act;	Chapter 2256
Filing of official bonds;	Sec. 604.001
Surety requirements of official bonds;	Sec. 604.002
Person aggrieved entitled to payments under official bonds;	Sec. 604.006
May issue bonds to purchase or otherwise acquire a public library building;	Sec. 1473.001 et seq.
	<b>Vernon's Revised Civil Statutes</b>
Federal farm loan bonds as lawful investments;	Art. 842
Federal and state securities as lawful investments;	Arts. 842a; 842a-1
	<b>Transportation Code</b>
Counties or portions of counties may join together to form road districts and issue bonds for road construction, maintenance, and operation—can levy tax to pay road district bonds;	Sec. 257.112
Must levy tax to pay interest and provide sinking fund before selling bonds;	Sec. 256.051
May authorize bonds for causeways, bridges, tunnels, turnpikes, or highways (bracket legislation);	Chapter 284
	<b>Health &amp; Safety Code</b>
May issue bonds for solid waste facilities;	Chapter 364
Have bonding authority related to clean air financing;	Chapter 383
Have bonding authority for creating hospital districts (counties of 75,000 or less);	Chapter 282
Have authority to levy tax for optional hospital district;	Chapter 283

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>5. BONDING AUTHORITY, continued</b>	
	<b>Health &amp; Safety Code</b>
Have bonding authority for establishment of hospital and/or other health facilities;	Chapter 263
County hospital authority may issue revenue bonds;	Chapter 264
	<b>Agriculture Code</b>
May call election for authorization to issue bonds to acquire land or make improvements on agricultural experiment station;	Sec. 43.007
	<b>Texas Constitution</b>
May issue bonds for construction and maintenance of roads;	Art. III, Sec. 52
	<b>Election Code</b>
Promulgation of compliant debt obligation election notice in connection with bond approval by the voters.	Sec. 3.009
<b>6. CONTRACTING AUTHORITY</b>	
Commissioners have the general business responsibility for the county as well as contracting authority. Counties may enter into contracts or cooperative agreements with other local governments to accomplish mutually beneficial purposes, with the state for various services, and with private entities for services or supplies.	
	<b>Local Government Code</b>
Make bond and take oath of office concerning use of county funds and contracts;	Sec. 81.002
May contract with certain agencies to accomplish flood control and soil conservation;	Sec. 561.003
May furnish fire protection and firefighting equipment; also may contract with incorporated area to provide services;	Secs. 352.001; 352.002
May contract with other political subdivisions for purpose of flood control;	Sec. 561.002

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>6. CONTRACTING AUTHORITY, continued</b>	
	<b>Local Government Code</b>
May enter into joint agreement for construction, ownership, and maintenance of buildings;	Sec. 305.001
May allocate 50 percent of monies collected from federal forests for benefit of public roads;	Sec. 130.906
May contract for joint financing, construction, and maintenance of jail between counties under 20,000 and cities;	Sec. 361.041
May cooperate among counties through contracts to furnish and operate jail;	Sec. 351.031
Counties on state line may contract outside the state for justice centers;	Sec. 361.022
May contract for donation of a fixed amount to a crime stoppers organization;	Sec. 351.901
Counties may operate auditorium and other facilities jointly with city;	Sec. 301.001
May contract with cities for use of county library;	Sec. 323.008
May contract with established library to provide service;	Sec. 323.001
Require contract for deposit of public funds;	Sec. 116.021 et seq.
Required to submit contracts for competitive bidding;	Sec. 262.023
May exempt food items from competitive bidding;	Sec. 262.024
May contract for insurance, high technology items, landscape maintenance, travel management, and recycling services through competitive proposals;	Sec. 262.030
May purchase without competitive bids property sold by another local government or the state;	Sec. 262.024
May contract with a nongovernmental association for provision of law enforcement services by the county on a fee basis;	Sec. 351.061
May purchase road machinery and equipment through state purchasing commission;	Sec. 262.002
May participate in cooperative purchasing programs;	Sec. 271.101 et seq.
May participate in regional business certification programs with other counties, cities, and political subdivisions;	Sec. 280.004
May sell surplus or salvage property by competitive bid or auction, recycling and other means;	Sec. 263.151 et seq.
May sell law enforcement patrol cars after removing insignia;	Sec. 272.006

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>6. CONTRACTING AUTHORITY, continued</b>	
	<b>Local Government Code</b>
May approve change orders in contracts not exceeding \$50,000;	Sec. 262.031
May exchange any county real estate interest for any private real estate interest;	Sec. 263.006
May sell surplus or salvage property without auction or bidding to another county;	Sec. 263.152
May lease land formerly owned by state MH/MR to other governmental entity or nonprofit organization for human services activities;	Sec. 263.007
May lease land held by county for building of hotel in conjunction with county convention center in counties over 1.3 million;	Sec. 263.101
May provide for the sale of county-developed computer software;	Sec. 270.007
May authorize expenditure of funds for membership in nonprofit association or organization of counties;	Sec. 81.026
May rent or provide office space for agencies of federal government engaged in unemployment assistance;	Sec. 272.003
May convey land to U.S. government for certain purposes;	Sec. 263.201 et seq.
May adopt resolution of participation in state purchasing program on annual basis;	Sec. 271.083
May acquire land singly or jointly with city for use by U.S. government;	Sec. 280.001
Require publication of notice of intended sale of tract of land;	Sec. 272.001
Mandatory pre-bid conference for purchasing contracts;	Secs. 262.0256; 271.0565
Suits against county on construction contracts;	Sec. 262.007
Issuance of COs pursuant to Certificate of Obligation Act;	Sec. 271.041 et seq.
Commitment of current revenue only in contracts to acquire real or personal property with contractual right to terminate at end of budget year;	Sec. 271.903
Consideration of bidder's principal place of business in awarding contracts;	Sec. 271.905
Notice of lawsuit against county or county official;	Sec. 89.0041
May authorize district, county or precinct official to receive money or property belonging to another county official;	Sec. 113.903

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>6. CONTRACTING AUTHORITY, continued</b>	
	<b>Local Government Code</b>
Contract with law firms and collection agencies for amounts owed to county with addition of 30 percent fee;	Sec. 140.009
	<b>Government Code</b>
Development of public and private facilities and infrastructure for qualifying projects;	Chapter 2267
Alternative project delivery methods including design-build contracts and design-build firms, including architects and engineers;	Chapter 2269
Use of facsimile signatures;	Chapter 618
International cooperation agreements with Mexico;	Sec. 792.001 et seq.
Interlocal cooperation agreements;	Chapter 791
Collective bargaining and public strikes prohibition;	Chapter 617
May acquire (not through eminent domain) a natural gas system and sell any natural gas not needed by county (counties with unincorporated seat over 5,000);	Sec. 1477.101 et seq.
Must abide by Professional Services Procurement Act when contracting for professional services;	Chapter 2254
May contract with other local governments or state agencies for the purchase of goods and services without competitive bidding;	Sec. 791.025
	<b>Transportation Code</b>
Counties or portions of counties may join together to form road districts;	Sec. 257.112
May erect bridges in city limits and may cooperate with city in erecting bridges;	Sec. 251.083
May operate airport jointly with city;	Sec. 22.001 et seq.
May contract for enforcement of certain traffic warrants with a city;	Sec. 702.001 et seq.
May purchase or hire necessary road machinery, tools, implements, teams, etc. for road work;	Chapter 251
May let contracts for road work;	Sec. 252.005
May use road equipment and employees to assist another governmental entity if the cost does not exceed \$15,000;	Sec. 251.015



**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>6. CONTRACTING AUTHORITY, continued</b>	
	<b>Transportation Code</b>
May contract with other counties for extension of farm to market roads;	Sec. 251.055
	<b>Health and Safety Code</b>
Joint establishment and operation of hospital by counties and cities or towns;	Sec. 265.011
May sell county hospital and use proceeds for county health care fund;	Sec. 263.029
May contract with city of 10,000 for establishment and/or maintenance of hospital;	Sec. 265.001
May cooperate with municipal authorities to promote public health;	Chapter 121
Two or more counties (each under 15,000) may join together to establish hospital;	Sec. 263.001
May cooperate with cities and other counties for provision of emergency medical services;	Sec. 774.001
May execute cooperative agreements to ensure air quality management, inspection, and enforcement;	Sec. 382.115
Contracts with alcoholism programs and centers;	Sec. 464.032 et seq.
	<b>Utilities Code</b>
Two or more political subdivisions may jointly finance, construct, etc., electric utility facilities;	Sec. 164.001 et seq.
	<b>Human Resources Code</b>
May cooperate with other counties to provide better probation services and detention and diagnostic facilities for juveniles;	Sec. 62.002
	<b>Civil Practice and Remedies Code</b>
Recognition of venue for trial litigation;	Chapter 15
Establishment of alternative dispute resolution centers;	Chapter 152
County liability under Texas Tort Claims Act;	Chapter 101
Liability under recreational use statute;	Chapter 75
Liability for sexual exploitation by a mental health service provider;	Chapter 81

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>6. CONTRACTING AUTHORITY, continued</b>	
	<b>Civil Practice and Remedies Code</b>
Limitation on right to bring suit to recover damages in connection with the sale or manufacture of firearms and ammunition;	Chapter 128
Abstain from confidential settlement agreements;	Chapter 116
	<b>Parks and Wildlife Code</b>
May execute agreements with local, state, and federal agencies for planning, constructing, maintaining, and operating public recreational facilities and necessary access roads;	Sec. 13.304
	<b>Vernon's Revised Civil Statutes</b>
May cooperate with state and federal government in construction of canneries for relief of unemployed;	Art. 2372e
	<b>Election Code</b>
May cooperate in holding joint election with other political subdivisions;	Sec. 271.001 et seq.
May contract for election administration;	Secs. 31.091-31.100
	<b>Labor Code</b>
May contract with state employment service;	Sec. 307.002
	<b>Code of Criminal Procedure</b>
Contracts with private attorneys and private vendors for collection of unpaid fines, fees, and court costs;	Art. 103.0031
	<b>Agriculture Code</b>
May operate cooperatively experiment and home economics program;	Secs. 43.031-43.033
Cooperate with state Agriculture Department in eradication of insects, pests and disease in citrus-bearing counties;	Sec. 73.001 et seq.
In certain counties may rent county machinery to landowners for soil conservation (bracket legislation);	Sec. 201.151

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>6. CONTRACTING AUTHORITY, continued</b>	
	<b>Natural Resources Code</b>
May lease land for mineral development after public notice and hearing;	Sec. 71.002 et seq.
	<b>Tax Code</b>
May contract with any competent attorney to represent the unit to enforce the collection of delinquent taxes;	Sec. 6.30(c)
	<b>Water Code</b>
May enter into cooperative agreements to promote water quality.	Sec. 26.175
<b>7. ELECTIONS</b>	
The commissioners court is responsible for the holding of general and special elections of the county. Special elections include those authorizing creation of special districts, issuance of bonds, and other purposes.	
	<b>Local Government Code</b>
May call election for moving the location of the county seat;	Sec. 73.011 et seq.
Voter approval required to make water resources survey--counties with river flowing through or forming part of boundary;	Sec. 562.013
Voter approval required to appropriate funds to advertise for growth and development;	Sec. 381.002
Voter approval required for zoning and building construction ordinances around certain lakes;	Sec. 231.075
Receipt of election returns for detachment or attachment of territory to a county;	Sec. 71.011 et seq.
May hold referendum concerning property in counties under 40,000;	Sec. 291.007
Election to authorize tax to retire bonds funding construction of seawalls;	Sec. 571.007

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>7. ELECTIONS, continued</b>	
	<b>Government Code</b>
Terms of office beginning on January 1 <sup>st</sup> following general election;	Sec. 601.003
May call election on revocation or cancellation of authority to issue bonds;	Sec. 1252.001 et seq.
Call election on bonds to fund road and turnpike construction;	Sec. 1471.015
Conduct hearing and approve or disapprove holding of election;	Sec. 1471.015
Determine place to hold election;	Sec. 1471.015
Upon petition of voters may call election to determine issuance of compensation bonds;	Sec. 1471.082 et seq.
Upon petition, hold election on issuing bonds to finance irrigation projects (procedure);	Sec. 1474.052 et seq.
Hold election to authorize additional bond issue to alter, complete, or supplement original irrigation project (procedure);	Sec. 1474.002 et seq.
Order election on issuance of bonds to finance navigation projects;	Sec. 1475.004 et seq.
May hold election on repurchase and cancellation of bonds sold but proceeds unexpended;	Sec. 1471.029
May, after authorized by voters, issue bonds to finance acquisition of water;	Sec. 1477.051 et seq.
Must include tax levy when submitting bond issue to voters;	Sec. 1251.004
Post time and place of bond election in public places and publish in newspaper;	Sec. 1251.003
Election required for bond issue;	Sec. 1251.001
	<b>Agriculture Code</b>
Upon petition, hold election to create district for noxious weed control in certain counties;	Secs. 78.011-78.021
Shall order election to establish agricultural experiment farm and station when requested by 10 percent of voters;	Secs. 43.003-43.006
May call election for authorizing issuance of bonds to acquire land or make improvements on agricultural experiment station;	Sec. 43.007

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>7. ELECTIONS, continued</b>	
	<b>Agriculture Code</b>
Hold election to determine animals permitted to run at large;	Secs. 143.021; 143.051; 143.071
	<b>Transportation Code</b>
Upon approval of voters may appoint county road engineer to be responsible for construction maintenance of county roads;	Chapter 252
Upon petition, shall hold election to determine if county should enact a special road tax; procedure and result;	Sec. 256.052
	<b>Election Code</b>
Appoint election judges;	Sec. 32.002
May authorize county clerk or some person other than tax assessor-collector to register voters;	Sec. 12.001 et seq.
Approve payment of expenses for election;	Sec. 1.014
Required to adopt voting system;	Sec. 123.001 et seq.
Canvass votes;	Secs. 67.002-67.005
Any two or more commissioners may act for county judge relating to election duties when office is vacant or judge fails to act;	Sec. 31.121
May contract for election administration;	Secs. 31.091-31.100
Voting hours;	Sec. 41.031
Voting after polls close;	Sec. 41.032
Uniform dates for holding general and special elections;	Sec. 41.001
May cooperate in holding joint elections with other political subdivisions;	Sec. 271.001
Formation of election precincts;	Secs. 42.001-42.064
Designation of polling places;	Secs. 43.031-43.033
Designate buildings for polling places;	Secs. 43.031-43.033
Provide polling places that are accessible to elderly and persons with physical disabilities;	Sec. 43.034
Fair Campaign Practices Act;	Chapter 258
Qualifications for general voting;	Chapter 11
Candidacy for public office;	Chapter 141
Determination of voter registrar for county;	Chapter 12
Voter registration, cancelation, and renewal;	Chapters 13, 14, 15, 16

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>7. ELECTIONS, continued</b>	
	<b>Election Code</b>
Write-in candidates;	Chapter 146
Regulation of political campaigns and advertising;	Title 15
Judicial Campaign Fairness Act;	Sec. 253.151 et seq.
Local option elections for sale of alcoholic beverages;	Chapter 501
Compliance with voter ID law;	Chapter 63
	<b>Tax Code</b>
Call election, upon petition by voters, to consolidate tax assessing and collection functions;	Sec. 6.26
	<b>Agriculture Code</b>
Carry out election required for authorization of weather modification activities;	Sec. 301.001 et seq.
	<b>Water Code</b>
Election to dissolve levee improvement districts;	Secs. 57.326-57.328
Upon petition, hold election to create single county navigation district.	Secs. 61.033; 61.034
<b>8. REGULATORY RESPONSIBILITY</b>	
Counties have statutorily specified regulatory responsibilities. Additionally, in some cases they have an advisory role with state agencies.	
	<b>Local Government Code</b>
May adopt and enforce subdivision regulations;	Sec. 232.001 et seq., Sec. 242.001
Must provide for the timely approval of subdivision plats;	Sec. 232.0025
May require digital maps for subdivision plats;	Secs. 232.023; 232.072
May regulate subdivision development and provide water and wastewater services in counties bordering Mexico;	Sec. 232.021 et seq.
May acquire certification of adequate groundwater availability for subdivision plat applications;	Sec. 232.0032
Regulate land use through subdivision platting requirements in economically distressed counties;	Sec. 232.071 et seq.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>8. REGULATORY RESPONSIBILITY, continued</b>	
	<b>Local Government Code</b>
May cancel platted subdivisions of undeveloped land likely to become colonias;	Sec. 232.0085
May adopt building or set back lines on the public roads in the county;	Sec. 233.031 et seq.
May regulate outdoor lighting and subdivisions near major astronomical observations;	Sec. 240.031 et seq.
May regulate outdoor lighting within five miles of military installations;	Sec. 240.032 et seq.
May regulate parking on county-owned or leased property;	Sec. 615.001
May regulate the placement and height of amateur radio antennae;	Sec. 250.002
May regulate massage establishments and sexually-oriented businesses;	Chapters 234, 243
Authorize privileges and concession operations in county parks;	Sec. 331.006
May hold hearing to determine if park should be closed and abandoned;	Secs. 317.001-317.004
Counties with public beaches may close portion for special events and fees may be charged;	Sec. 240.902
Padre Island zoning;	Sec. 231.011 et seq.
Regulation of explosives, firearms, bows and arrows;	Chapter 235
Issuance of permits based on regulations in place at time of application;	Chapter 245
Amistad Recreation Area zoning;	Sec. 231.031 et seq.
May enact and enforce regulations to regulate, restrict, or control management and use in land, structures, and other development in flood or rising water prone areas- -Gulf Coast counties to facilitate participation in federal flood insurance programs;	Sec. 240.901
May adopt certain zoning regulations related to elimination of airport hazards;	Secs. 241.001-241.903
Call election, upon petition by voters, to grant authority to the county to adopt zoning and building ordinances for the area around lakes;	Secs. 231.071-241.083
In certain Gulf Coast counties, may regulate clear-cutting of live oak trees;	Sec. 240.909
May regulate keeping of wild animals;	Sec. 240.001 et seq.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>8. REGULATORY RESPONSIBILITY, continued</b>	
	<b>Local Government Code</b>
May regulate use of public platform scales;	Sec. 270.003
Regulation of automotive wrecking and salvage yards;	Sec. 234.001 et seq.
Regulation of slaughterers;	Sec. 234.031 et seq.
Regulation of water wells in counties with a population of 1.8 million;	Sec. 240.041 et seq.
Regulation of cellphone towers in counties of 1.8 million;	Sec. 240.081 et seq.
May designate where water corporation should place line along right-of-way on county roads;	Sec. 552.101 et seq.
	<b>Property Code</b>
May take tangible, personal property on county property presumed abandoned after 120 days;	Sec. 72.104
	<b>Utilities Code</b>
Hold hearings on telegraph service.	Sec. 181.064
May designate where lines should be placed in right-of-way on county roads for gas distribution;	Sec. 181.021 et seq.
	<b>Transportation Code</b>
May adopt ordinance that requires a junkyard to be licensed by the county and may require location to be approved by the commissioners court;	Sec. 396.001 et seq.
Authorized to pay for relocation of water lines owned by water control and improvement districts when necessary to complete farm-to-market roads;	Sec. 251.103
May make and enforce all reasonable and necessary rules and orders for the working and repairing of public roads;	Sec. 251.003
May enact ordinances to ensure the safe use of county roads by aircraft;	Sec. 24.022
Regulation of automobile wrecking and salvage yards;	Chapters 396, 397
Regulate all charges and tolls for crossing bridges or ferries;	Sec. 342.201
Grant approval to a toll road authority to abate county property taxes on signs regulated by the authority;	Chapter 395



**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>8. REGULATORY RESPONSIBILITY, continued</b>	
	<b>Vernon's Revised Civil Statutes</b>
Certify application for creation of housing corporations;	Art. 1524c
Regulate operation of such housing corporations outside city limits;	Arts. 1524e; 1524f; 1525g
	<b>Property Code</b>
County planning and zoning commission may adopt supplemental rules and regulations governing condominiums.	Sec. 81.003
	<b>Health &amp; Safety Code</b>
May make recommendation to TCEQ and may bring enforcement actions under clean air act;	Sec. 382.111 et seq.
Enforce laws to promote public health;	Sec. 121.003
May make regulations in certain areas for collection handling, storage, and disposal of solid waste;	Sec. 364.001 et seq.
May require license for solid waste disposal site;	Sec. 361.154
May adopt order requiring permits for food service establishments, roadside food vendors, etc., in order to enforce state law;	Chapter 437
May adopt standards for on-site sewage disposal (septic tanks);	Sec. 366.001 et seq.
May license and regulate waste haulers;	Sec. 368.011
May adopt procedures for abatement and removal of junked vehicles and parts as public nuisances;	Chapter 365
May prohibit refuse or junk accumulating near public highways;	Sec. 365.034
Identify and enforce extermination of prairie dogs by landowners;	Sec. 825.036
May appropriate funds to cooperate with state and federal efforts at predatory animal and rodent control work;	Sec. 825.001 et seq.
Regulation of dangerous dogs;	Sec. 822.041 et seq.
Regulation of dangerous wild animals;	Sec. 822.101 et seq.
Registration and regulation of dogs;	Sec. 822.021 et seq.
Regulation of cemeteries;	Sec. 713.021 et seq.
May buy poison for destruction of animal pests;	Sec. 825.021

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>8. REGULATORY RESPONSIBILITY, continued</b>	
	<b>Health &amp; Safety Code</b>
May establish license procedures for private sewage facility;	Chapter 366
Provide bounties for destruction of certain animals in certain counties;	Sec. 825.031 et seq.
	<b>Alcoholic Beverage Code</b>
May not impose stricter standards on premises licensed to sell alcoholic beverages;	Sec. 109.57
May prohibit sale of alcoholic beverages by dealer within 300/1000 feet of any church, school or public hospital;	Sec. 109.33
	<b>Water Code</b>
May set standards regarding construction in flood plains;	Sec. 16.311 et seq.
Regulation of water rates and services;	Chapter 13
Enforcement of water quality controls;	Sec. 26.171 et seq.
Development of local and regional water plans;	Sec. 16.051 et seq.
May inspect public waters for certain purposes;	Sec. 26.171 et seq.
	<b>Parks and Wildlife Code</b>
May acquire land, construct facilities for public recreation;	Sec. 13.304
May issue water safety regulations for lakes within county but outside city authority;	Sec. 31.092
May regulate operations and equipment of boats in public waters and may designate certain areas for swimming and fishing;	Sec. 31.092
May require owner of public or private dam or other obstruction to construct or repair fishways or fish ladders;	Sec. 66.109
	<b>Agriculture Code</b>
Regulate sale of produce and other duties of director of experimental farm and station;	Secs. 43.014-43.017
Provide the appointment or election of a county weigher;	Sec. 13.251 et seq.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>8. REGULATORY RESPONSIBILITY, continued</b>	
	<b>Agriculture Code</b>
May request state agriculture commission to investigate reports of insect pests and plant disease--may establish control and eradication zone for treatment after report;	Sec. 71.008
Cooperate with state agriculture commission with eradication of insect pests and disease in citrus-bearing counties;	Sec. 73.001 et seq.
May order change in status of county or portion of county in regulation of sale, use, and transportation of herbicides;	Sec. 76.144
May establish, implement, and conduct program for control and eradication of fire ants;	Sec. 77.001 et seq.
Hold election to determine if animals may run at large;	Secs. 143.021; 143.051; 143.071
	<b>Natural Resource Code</b>
Report by county attorney to the attorney general the name and address of each person who has taken minerals or other things of value from public land;	Sec. 11.071
Gulf Coast counties may regulate mass gatherings attracting 200 or more persons on beach areas;	Sec. 61.251 et seq.
Authority to license mobile business establishments on public beaches;	Sec. 61.164 et seq.
In counties bordering Gulf Coast may regulate traffic and animals on beaches and may prohibit littering of beaches;	Sec. 61.122
Responsible for issuing permit for removal of sand, marl, gravel, or shell;	Sec. 61.213
Regulation of signs and barriers around quarries and pits, in counties of 3.3 million population;	Sec. 133.091 et seq.
In certain counties bordering Gulf of Mexico, may establish a dune protection line after public notice and hearing;	Sec. 63.011
Shall appoint a local committee of three real property owners to advise Veterans Land Board on applications.	Sec. 161.217

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>9. FISCAL OPERATION</b>	
The commissioners court has financial responsibility for the county, setting the tax rate, authorizing expenditures, and issuing bonds. Statutes related to the bond process are covered in a separate section. This enumeration includes other statutes related to the commissioners' responsibility for fiscal operation of the county.	
	<b>Local Government Code</b>
Adoption of budget by counties with population of 225,000 or less;	Sec. 111.001 et seq.
Adoption of budget by counties over 225,000;	Sec. 111.031 et seq.
Adoption of budget by counties over 125,000;	Sec. 111.061 et seq.
Must comply with disclosure requirements in adoption of county budget;	Secs. 111.008; 111.039; 111.068
May relieve county clerk of financial record keeping duties related to issuing of warrants;	Sec. 113.023
Publication of county budget on Internet website;	Sec. 111.069
Receive monthly and annual reports on receipts and disbursements from auditor;	Secs. 114.024; 114.025
Receive report of treasurer or auditor on examination of accounts and dockets of other county officials who collect money;	Sec. 115.901
Examine report of collection of money submitted by auditor;	Sec. 115.002
Receive report at every regular term from treasurer on all money received and disbursed and of all debt due to and from the county;	Sec. 114.026
Approval of report of treasurer to be entered in minutes;	Sec. 115.022
Sale or lease of county property;	Chapter 263
Financing of capital improvements with impact fees;	Chapter 395
Sale of county computer software;	Sec. 270.007
Approve reports of treasurer on all money paid out and coming into the treasury;	Sec. 112.054
Accept quarterly statement of financial accounts submitted by treasurer;	Sec. 114.021
Accept and enter in minutes lists of indigent and delinquent taxpayers submitted by tax assessor-collector;	Sec. 112.033

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>9. FISCAL OPERATION, continued</b>	
	<b>Local Government Code</b>
Examine and approve for entry in finance ledger reports submitted by county officers who collect or handle money;	Sec. 114.044
Settle and pay any judgment rendered against county;	Sec. 89.006
Decide on payment of warrant when requested by treasurer;	Sec. 113.041
Direct disbursement from treasury by treasurer in accordance with law;	Sec. 113.041
May contract with bank to act as depository for a 2-year or 4-year contract term;	Sec. 116.021
May invest funds in direct debt securities of the United States or in certain repurchase agreements;	Sec. 116.112
Designate clearinghouse when one or more depositories used;	Sec. 116.115
May revoke depository contract for cause;	Sec. 116.155
May sell or dispose of judgments belonging to county;	Sec. 130.901
May transfer money from one fund to another except that may not transfer leaving less than enough to pay claims on a particular fund;	Sec. 113.004
May appropriate percentage of assessed valuation for purpose of advertising and promoting growth of county when authorized by voters;	Sec. 381.002
May employ accountant for independent audit;	Sec. 115.031
In certain counties, shall pay county clerk for work in keeping the finance ledger;	Sec. 153.002
Approve efforts of justice of peace to collect fines or judgments imposed;	Sec. 112.052
Must notify comptroller of fees determined by commissioners court for county officials;	Sec. 118.131
Allow credits to outgoing tax assessor-collector in forwarding tax rolls to successor;	Sec. 112.034
Competitive bidding requirements of County Purchasing Act;	Sec. 262.021 et seq.
Set fee for collection in civil cases (except cases for delinquent taxes) for law library fund;	Sec. 323.023
Commissioners court to fix maximum amount of expenditure by counties with river flowing through or as a boundary to survey water resources after referendum of citizens;	Sec. 562.013

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>9. FISCAL OPERATION, continued</b>	
	<b>Local Government Code</b>
May authorize payment of fees, fines, and other charges by credit card or electronic means;	Sec. 132.001 et seq.
May authorize the creation of a change fund for use by county officials who collect money;	Sec. 130.902
May, in counties over 3.3 million population, establish petty cash fund in amount approved by auditor;	Sec. 130.909
Order payment for publishing of exhibit showing amounts paid out of each fund for year;	Sec. 114.022
May withhold payments to persons indebted to the county;	Sec. 154.025
County financial reports;	Chapter 114
File annual report with comptroller reflecting county debt;	Sec. 140.008
Authority to establish petty cash funds for county and district officials and department heads;	Sec. 130.909
Participation in comptroller's least cost review program;	Sec. 140.007
May accept gifts, grants, donations, bequests, and devises of money and other property for any county purpose;	Sec. 81.032
	<b>Occupations Code</b>
May levy occupation tax on coin-operated machine, up to 1/4 of state tax;	Sec. 2153.451
May charge fee for releasing machine sealed for failure to pay tax;	Sec. 2153.453
	<b>Transportation Code</b>
Shall state the rate of toll or ferriage when establishing a ferry;	Sec. 342.202
Shall limit rate to 1 cent per head of cattle or horses swimming a river at licensed ferries;	Sec. 342.203
May impose a county fee for vehicle registration;	Sec. 502.197 et seq.
Make and enter in minutes a list of assessments against landowners affected by drainage construction;	Sec. 254.017
May levy taxes for flood control;	Sec. 256.054
May transfer surplus funds from registration fees to other county funds;	Sec. 256.007

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>9. FISCAL OPERATION, continued</b>	
	<b>Health and Safety Code</b>
Receive five percent of gross receipts for transfer from compact waste disposal facility license holder pursuant to Texas Radiation Control Act;	Sec. 401.244
Levy tax to fund mosquito control districts where created;	Chapter 344
	<b>Civil Practice and Remedies Code</b>
Payment of tort claims by county;	Chapter 102
	<b>Tax Code</b>
May impose county sales and use tax in certain counties for landfill or criminal detention center purposes;	Chapter 325
May levy hotel occupancy tax to fund the construction of convention centers.	Chapter 352
Implementation of Tax Increment Financing Act;	Chapter 311
County Sales and Use Tax Act;	Chapter 323
County health services sales and use tax;	Chapter 324
	<b>Government Code</b>
May invest funds in obligations of the United States, obligations of the State of Texas, certificates of deposit, and other specific obligations;	Chapter 2256
Adopt rules governing investment of local funds and designate officer or employee responsible for investment;	Chapter 2256
Must adopt written policy for investment of county funds; financial officers must attend training;	Chapter 2256
Prompt payment for goods and services;	Chapter 2251
Provide funding through collection of fines and other sources to finance court administration system in certain counties;	Sec. 75.401
Authorize biweekly payments of salary for judicial officials;	Secs. 25.0005; 31.004; 32.001

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>9. FISCAL OPERATION, continued</b>	
	<b>Labor Code</b>
Authorities to enter into agreements with state regarding establishment and maintenance of employment service officers;	Chapter 307
Payment of minimum wage by contractors of county;	Sec. 62.0515
	<b>Property Code</b>
Escheat of abandoned or unclaimed property.	Chapter 76
<b>10. PUBLIC HEALTH AND WELFARE</b>	
A general responsibility of the commissioners court is to provide for the public health and welfare. Provision for public welfare may include social services, libraries, and parks and recreation. Specific statutes affect some activities in this general area.	
	<b>Local Government Code</b>
May prohibit or regulate keeping of wild animals;	Sec. 240.001 et seq.
May in certain counties prohibit slaughter houses near schools or residence;	Sec. 234.031 et seq.
In counties over 5,000 may establish Board of Park Commissioners to oversee county parks;	Sec. 320.001 et seq.
May provide for annual exhibits and establish museum, and other improvements;	Sec. 319.001 et seq.
All counties may operate and maintain parks, playgrounds, and historical museums and sites;	Sec. 331.001
May charge admission fee to county park upon voter approval;	Sec. 316.001
May cooperate with cities in acquisition and management of parks, etc.;	Sec. 331.008
Support of paupers;	Sec. 81.027
Building and setback line authority over housing and other structures;	Sec. 233.031 et seq.
Authority to order repair, removal, or demolition of dangerous structures in certain Gulf Coast counties;	Sec. 233.001
Counties with beaches may close portion of public beach for special events;	Sec. 240.902



**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>10. PUBLIC HEALTH AND WELFARE, continued</b>	
	<b>Local Government Code</b>
Establish suitability of parks in counties on Gulf Coast with islands; authorize roads on such island parks and issue bonds;	Sec. 321.001 et seq.
May, in certain Gulf Coast counties, provide for county park rangers;	Sec. 351.081
May provide for the creation of a sports facility district;	Chapter 325
May jointly establish and operate recreational facilities with other political subdivisions;	Sec. 332.021
Counties and cities may jointly establish and operate an auditorium;	Sec. 301.001
May establish, maintain, and operate county free libraries;	Sec. 323.001
May set aside from tax income funds to maintain libraries;	Sec. 323.002
May receive gifts on behalf of library;	Sec. 323.003
May adopt general rules for operation of library;	Sec. 323.005
Accept annual report by librarian on operation and finances of library;	Sec. 323.005
Has general supervision of library;	Sec. 323.006
May contract with private libraries to provide service;	Sec. 323.012
May contract with established library to provide service;	Sec. 323.011
May contract with cities for use of county library;	Sec. 323.008
May, upon termination of existing contracts for library service, call in all books and movable property;	Sec. 323.013
May contract with other county to use or cooperatively operate library;	Secs. 323.009; 323.010
Authorization of library fines and civil penalties in operation of county library;	Secs. 323.071; 323.072
May furnish fire protection and firefighting equipment;	Sec. 352.001
May regulate outdoor burning during drought conditions;	Sec. 352.081
May require removal of unsafe buildings in certain counties;	Sec. 233.001
May authorize creation of library districts governed by a board of trustees;	Chapter 326
May authorize fire inspection fees to be collected by county fire marshal;	Sec. 352.016

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>10. PUBLIC HEALTH AND WELFARE, continued</b>	
	<b>Local Government Code</b>
May contract with any incorporated volunteer fire department outside of the city limits for services;	Sec. 352.001
In counties under 20,000, may contract with municipalities for fire protection;	Sec. 352.003
May in counties over 250,000 population and adjacent counties adopt a fire code;	Sec. 233.061 et seq.
May declare need for housing authority; may include other counties in regional housing authority;	Sec. 392.012
May set and collect fees for the use of county recreational facilities and services;	Sec. 316.001
May administer or engage in certain community and economic development projects;	Sec. 381.003
May participate in the financing of sports and community venues and related infrastructure;	Chs. 334, 335
Reports of use and accidents involving equipment in counties with a population of 500,000 or more;	Sec. 270.006 et seq.
Engagement in water supply and distribution, and wastewater collection and treatment, in counties with a population under 10,000;	Chapter 563
May provide monetary assistance from the county's general fund for individuals affected by disasters declared by county judge;	Sec. 130.910
Regulation of archery hunting;	Sec. 235.041 et seq.
Designation of region for participation under Property Assessed Clean Energy Act;	Chapter 399
	<b>Government Code</b>
Colonia self-help centers;	Sec. 2306.581 et seq.
Texas Disaster Act of 1975 for emergency management;	Chapter 418
Maintenance of county emergency management programs;	Sec. 418.102
Rendering aid to other political subdivisions under mutual aid agreements;	Sec. 418.107
Emergency mutual aid;	Sec. 418.109
Historic courthouse preservation and maintenance, grants and loans;	Sec. 442.0081 et seq.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>10. PUBLIC HEALTH AND WELFARE, continued</b>	
	<b>Government Code</b>
Funding of community supervision and corrections departments;	Chapter 76
Authority to establish a mental health court program for persons charged with criminal offenses;	Chapter 125
May acquire land for and purchase and construct county buildings; may issue bonds;	Sec. 1473.001 et seq.
	<b>Health and Safety Code</b>
Authority of county to engage in cleanup programs for contaminated brownfields and economic redevelopment;	Sec. 361.901 et seq.
Regulation of public swimming pools;	Sec. 341.064
Appointment of commissioners for health care funding districts created in counties along Mexican border and with a population of 1.8 million;	Chapters 288, 289, 290
Compliance with Public Employer Community Right-To-Know Act;	Chapter 506
Contracts for local drug and alcohol education program;	Sec. 464.031 et seq.
Financing of hospital improvements pursuant to Hospital Project Financing Act;	Chapter 223
Adoption of performance standards for building energy efficiency;	Chapter 388
Contract with Texas Board of Health regarding inspection of milk and milk products;	Sec. 435.005
Responsibility of county for indigent residents not admissible to state mental health hospital;	Sec. 615.001
Disposal of animal carcasses on county roads;	Sec. 361.117
Enforcement of state laws and rules regarding mobile food units and roadside food vendors in counties of 3.4 million population;	Sec. 121.0035
Management of solid waste and issuance of bonds pursuant to County Solid Waste Control Act;	Chapter 364
Indigent Health Care Act;	Chapter 61
Establishment of recycling program;	Sec. 361.425
Regulation of septic tanks;	Chapter 366

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>10. PUBLIC HEALTH AND WELFARE, continued</b>	
	<b>Health and Safety Code</b>
County funding of public health and sanitation, generally;	Sec. 122.001
May establish and operate a community mental health center for MHMR services;	Chapter 534
Accept annual report of board of hospital managers;	Sec. 263.053
Contract with city for establishment and maintenance of hospital;	Secs. 265.001; 265.002
Make provisions for facilities for treatment of tuberculosis;	Sec. 263.023
Two or more counties may join together to establish hospital;	Sec. 263.001
May jointly establish and operate hospitals (counties, cities or towns);	Sec. 265.011
May sell county hospital and use proceeds for county health care fund;	Sec. 263.029
Sale and lease back of land, buildings, equipment, etc., for hospital district purposes;	Sec. 281.052
May establish public hospital districts in counties of 75,000 or less;	Chapter 282
May cooperate with cities and other counties for provision of emergency medical services;	Chapter 773
May contract with state hospitals for medical and dental care;	Sec. 551.041
May cooperate with municipal authorities to promote public health;	Chapter 121
May appropriate funds to hospital to provide medical care for indigents;	Sec. 122.004
Observe requirement of hospital project financing act and county hospital authority act;	Chapters 223, 264
May cooperate in establishment of nonprofit health facilities development corporations;	Chapter 221
Provide for indigent health care and treatment;	Chapter 61
May provide for the burial or other disposition of deceased paupers;	Sec. 694.002
May create and support with county money a commission for promoting drug and alcohol education and treatment;	Chapter 464

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>10. PUBLIC HEALTH AND WELFARE, continued</b>	
	<b>Health &amp; Safety Code</b>
May set aside facilities for quarantined person; may provide transportation to state chest hospital; may donate or convey land to state chest hospital;	Sec. 13.031 et seq.
May establish hospital and other health facilities;	Sec. 263.021
May maintain more than one hospital;	Sec. 263.002
Appoint board of hospital managers;	Sec. 263.041
May establish hospital district-optional process;	Chapter 283
May create and dissolve county hospital authority;	Chapter 264
May provide for the creation of health services districts;	Chapter 287
May participate in county health care provider program, in certain counties;	Chapters 291A, 292, 292A, 292B, 293, 293A, 294, 296, and 297
May provide for the abatement of public nuisances;	Chapter 343
May use solid waste fee revenue collected by state in accordance with approved regional plans;	Sec. 361.014
May establish mosquito control districts;	Chapter 344
May regulate the disposal of litter and may regulate the disposal of recycled materials;	Sec. 365.017
May operate solid waste facilities;	Chapter 364
Community mental health and mental retardation centers operated on behalf of county perform governmental function;	Sec. 534.001
May adopt rabies control requirements;	Chapter 826
May authorize creation of perpetual trust fund to provide for maintenance and upkeep of cemeteries;	Chapter 713
May provide maintenance of certain cemeteries for historical and other reasons;	Sec. 713.028
Must purchase playground equipment for parks that complies with federal Consumer Products Safety Commission guidelines;	Sec. 756.061
Appoint members to a board of managers for emergency communications districts (certain counties);	Chapter 772
May participate in regional emergency communications system;	Chapter 771
May designate local rabies control authority;	Sec. 826.017

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>10. PUBLIC HEALTH AND WELFARE, continued</b>	
	<b>Health &amp; Safety Code</b>
May provide for the registration of dangerous wild animals, including lions, tigers, monkeys, baboons, and others;	Sec. 822.101 et seq.
Participate in task force of border health officials;	Chapter 120
	<b>Human Resources Code</b>
Authorize salaries for juvenile probation personnel; may contract for services;	Chapter 152
Varying responsibilities in area of juvenile probation contained in bracket legislation;	Chapter 152
May contract with Texas Youth Commission for county provision of juvenile probation services;	Sec. 245.001
May establish detention homes and parental schools for juveniles;	Sec. 62.001
May cooperate with other counties to provide better probation services and detention and diagnostic facilities for juveniles;	Sec. 62.002
County funding for public welfare, child welfare, and relief services;	Sec. 11.003
May provide for long term residential facility for detention of juvenile offenders;	Chapter 63
	<b>Family Code</b>
Child welfare boards;	Sec. 264.005
	<b>Local Government Code</b>
May create cultural educational facilities finance corporation;	Chapter 337
	<b>Transportation Code</b>
May determine speed limits on county roads within ranges up to 70 miles per hour;	Sec. 545.355
	<b>Property Code</b>
May enforce deed restrictions in counties with a population exceeding 200,000;	Ch. 203

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>10. PUBLIC HEALTH AND WELFARE, continued</b>	
	<b>Agriculture Code</b>
May employ a veterinarian and cooperate with Texas Animal Health Commission in protecting livestock and domestic animals from diseases;	Sec. 161.003
Adoption of county herbicide regulations;	Sec. 76.144
Receive reports from slaughterhouses;	Sec. 148.012
Nomination of local inspectors for tick eradication;	Sec. 167.101 et seq.
Adoption of ordinances restricting the planting, sale, or distribution of invasive plant species;	Sec. 71.153
May not purchase beef products imported from outside United States;	Sec. 150.012
	<b>Natural Resources Code</b>
Issuance of permits for "mass gathering" on public beaches attracting more than 200 persons;	Sec. 61.251 et seq.
In counties bordering on Gulf of Mexico, may create Beach Park Board of Trustees to improve, equip, finance, maintain, and operate public park;	Chapter 62
Regulations for quarries in counties of 3.3 million;	Sec. 133.091 et seq.
	<b>Water Code</b>
May publish notices of declaration of state of disaster due to drought conditions;	Sec. 16.055
Participation in national flood insurance program;	Sec. 16.3145
Protection of water quality.	Chapter 26
<b>11. ADMINISTRATIVE DUTIES</b>	
Various statutes affect the administrative operation of the commissioners court.	
	<b>Local Government Code</b>
Shall have seal of court and use on all official acts;	Sec. 81.004
Form for process issued by court executed at least five days before return date specified in process;	Sec. 81.022
May post notice on courthouse door when unable to have it published as required by law;	Sec. 81.007

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>11. ADMINISTRATIVE DUTIES, continued</b>	
	<b>Local Government Code</b>
Shall meet at courthouse or auxiliary building each month--meet at other times also;	Sec. 81.005
Member of commissioners court may serve as a director or officer of a corporation doing business with the county subject to chapter 171;	Sec. 81.002
Take oath of office and post bond with treasurer;	Sec. 81.002
County commissioners must complete 16-hour continuing education course each year;	Sec. 81.0025
Three members of court constitute quorum except in levying of tax which needs presence of four members;	Sec. 81.006
Any member may serve on committees and related bodies in conjunction with association of counties;	Sec. 81.026
Shall hold commissioners court at courthouse;	Sec. 81.005
Requirement of presentation of claim to court before filing suit against county or county official after 60 days;	Sec. 89.004
Designation of terms for meeting at county courthouse or other authorized meeting places;	Sec. 81.005
Punishment for contempt of court at \$25 or 24 hours confinement;	Sec. 81.023
Authority of county to offer advertising space on county building, vehicle, or web site;	Sec. 263.251
Delegation of county judge duties in counties with a population of 1.5 million;	Sec. 81.028
Authority of county to secure a patent, copyright, or trademark;	Sec. 270.009
May provide information and the payment of fees and taxes over the Internet;	Sec. 132.007
Acceptance of gifts;	Sec. 81.032
Receive and review application for property tax exemptions for historical purposes;	Sec. 318.012
Require clerk to keep minutes of meetings and submit for approval at next meeting;	Sec. 81.003
May require testimony before commissioners court to be given under oath;	Sec. 81.030
Financial disclosure may be required of county officials;	Chapter 159
When office of county judge is vacant, any two county commissioners may act in his stead relevant to historical organization of counties;	Sec. 71.023



**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>11. ADMINISTRATIVE DUTIES, continued</b>	
	<b>Local Government Code</b>
Set out regulations for control of courthouse by sheriff;	Sec. 291.003
May establish central mailing system in counties over 1 million population;	Sec. 89.003
May require clerk to have translated into English any part of records in Spanish;	Sec. 193.007
Exercise of county condemnation powers;	Chapter 261
Approve effort of sheriff to collect judgments, fines, fees, and forfeitures where no collection made;	Sec. 112.051
Creation of corporations pursuant to Texas Housing Finance Corporations Act;	Chapter 394
County Purchasing Act;	Sec. 262.021 et seq.
Conduct meetings at authorized locations including at alternative sites to accommodate large attendance;	Sec. 81.005
May designate day of week for regular court session;	Sec. 81.005
Risk management pools;	Chapter 119
Implementation of Property Redevelopment and Tax Abatement Act;	Chapter 383
	<b>Government Code</b>
May broadcast open meetings over the Internet;	Sec. 551.128
May require trustee of real property acquired by county to submit trust documents;	Sec. 2252.091 et seq.
Open Meetings Act, generally;	Chapter 551
Open Records Act, generally;	Chapter 552
Nepotism, generally;	Chapter 573
Whistleblower Act, generally;	Chapter 554
Recognition of federal census figures;	Chapter 2058
May participate in Texasonline project for electronic transmission of documents, licenses, permits, and payments;	Sec. 2054.251 et seq.
	<b>Health and Safety Code</b>
License waste haulers transporting in unincorporated areas in counties under 375,000 population;	Sec. 368.012

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>11. ADMINISTRATIVE DUTIES, continued</b>	
	<b>Transportation Code</b>
Issue license for persons to operate ferry for hire;	Sec. 342.103
Direct amount of bond for such license;	Sec. 342.104
Creation of local government corporation;	Chapter 431
	<b>Education Code</b>
Common school districts;	Chapter 22 [Appendix]
Creation, consolidation, and abolishment of school districts;	Chapter 19 [Appendix]
Rural high school districts;	Chapter 25 [Appendix]
County administration of public free schools by board of county school trustees;	Chapter 17 [Appendix]
	<b>Property Code</b>
Escheat of abandoned property valued at not more than \$100;	Sec. 76.001 et seq.
Exercise of condemnation powers;	Chapter 21
	<b>Agriculture Code</b>
Receive and publish report on activities of agricultural experiment farm and station;	Sec. 43.013
	<b>Natural Resources Code</b>
May order records of surveyor transcribed;	Sec. 23.055
	<b>Tax Code</b>
Adopt a tax rate;	Sec. 26.05
Post required notice and hold hearing on proposal to increase taxes;	Sec. 26.06(b)
	<b>Water Code</b>
Hold hearing on creation of single county water control and improvement district, fresh water supply district levee improvement district, navigation districts;	Chapters 51, 53, 57, 61-63,
Petition the Texas Environmental Quality Commission for creation of a storm water control district.	Sec. 66.014

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>12. JUDICIAL RESPONSIBILITIES</b>	
The commissioners court has certain responsibilities to the judicial operations at the county level.	
	<b>Local Government Code</b>
May provide office buildings or jails outside county seat;	Sec. 292.001 et seq.
May own, construct, equip, enlarge, and maintain buildings as criminal justice centers (bracket legislation);	Sec. 361.001 et seq.
Shall provide safe suitable jails, definition;	Sec. 351.001
May require review of jail commissary accounts by county auditor;	Sec. 351.0415
May cooperate among counties through contracts to furnish and operate jail;	Sec. 351.031
May contract for joint financing, construction, and maintenance of jail between counties and cities under 20,000;	Sec. 361.041
May increase salaries in sheriff's department upon voter petition in counties over 25,000 population;	Sec. 152.072
Allow or disallow claims against the county;	Sec. 89.004
In counties over 1.25 million may employ special counsel to represent the county in suits brought against the county;	Sec. 89.001
Approve efforts of justice of peace to collect fines or judgments imposed by him;	Sec. 112.052
May sell rights to judgment proceeds belonging to county;	Sec. 130.901
May establish and provide for maintenance of county law library;	Sec. 323.021
May contract with private detention facilities for county inmates;	Sec. 351.101 et seq.
In metropolitan counties may provide for the creation of a crime control and prevention district;	Sec. 363.001 et seq.

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>12. JUDICIAL RESPONSIBILITIES, continued</b>	
	<b>Family Code</b>
May contract with a private entity for the receipt and disbursement of child support payments.	Sec. 204.001 et seq.
May establish a visitation center for purposes of enforcing court orders regarding child custody and access.	Sec. 153.014
	<b>Transportation Code</b>
May appoint persons with authority to file charges for enforcement of handicap parking laws;	Sec. 681.0101
	<b>Government Code</b>
Observe requirements of Texas Commission on Jail Standards;	Chapter 511
Provide funding through collection of fines and other sources to finance court administration system;	Sec. 75.401
May provide for additional terms for county court when needed;	Sec 26.002
Must provide interpreters for deaf jury members in district, county, and justice courts;	Sec. 62.1041
Set aside places in courthouse for use by prospective jurors;	Sec. 62.018
Compliance with public information statute requiring disclosure to public and containing exemptions;	Chapter 552
May hold meetings by means of telephone conference calls if necessary;	Sec. 551.125
May apply for grants and loans to the state historical commission pursuant to historic courthouse preservation program;	Sec. 442.0081
Shall provide facilities, equipment, and utilities for adult probation department;	Chapter 76
Provide for public safety employees treatment court program;	Chapter 129

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>12. JUDICIAL RESPONSIBILITIES, continued</b>	
	<b>Civil Practices and Remedies Code</b>
Recognition of religious freedom in connection with exercise of governmental authority;	Chapter 110
May establish an alternative system for resolving citizen disputes;	Sec. 152.001 et seq.
Texas Tort Claims Act;	Chapter 101
Spanish language interpreters;	Sec. 21.021 et seq.
Liability for recreational facilities;	Chapter 74
Recognition of constitutional right to petition, free speech, and right of association pursuant to Citizens Participation Act;	Chapter 27
	<b>Texas Family Code</b>
Shall provide a suitable place for detention of court-related children.	Sec. 51.12
<b>13. PUBLIC WORKS</b>	
The commissioners court has responsibilities relating to water supply, irrigation and drainage, waste disposal, clean air, and agriculture.	
	<b>Local Government Code</b>
Counties with a taxable value greater than \$290 million are authorized to spend up to \$15,000 per year in preliminary engineering survey relating to drainage, reclamation, conservation, levee improvement, and water control;	Sec. 561.004
May contract with political subdivisions for joint right-of-way, construction, maintenance of canals, drains, and levees for flood control;	Sec. 561.002
May establish public improvement districts.	Chapter 372
Ordinance-making powers of certain counties along Rio Grande River with no incorporated territory;	Sec. 81.033
May contract with various federal, state, and local entities for carrying out flood control and soil conservation programs;	Sec. 561.003

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>13. PUBLIC WORKS, continued</b>	
	<b>Local Government Code</b>
In counties bordering on Gulf of Mexico may determine water prone areas; regulate management and use of land and structures;	Sec. 240.901
Participation in Texas Association of Counties;	Sec. 89.002
Participation in county government risk management pool;	Chapter 119
Creation of a county civil service system in counties with a population of 190,000 or more;	Sec. 158.001 et seq.
Zoning authority over certain lakes, military zones, Padre Island, etc.;	Chapter 231
Closing of Gulf Coast beaches for nonprofit three-day festivals;	Sec. 240.902
Zoning authority around airports;	Chapter 241
Acquisition of property pursuant to Public Property Finance Act;	Sec. 271.001 et seq.
Acting as a sponsor to create corporations under Public Facility Corporation Act for purpose of acquiring and renovating public property;	Chapter 303
Establishment of library districts;	Chapter 326
Establishment of sports facility districts;	Chapter 325
Creation of county historical commission;	Chapter 318
Economic development corporations;	Chapters 501 et seq.
May in certain counties on border construct and maintain museums;	Chapter 330
Creation of Crime Control and Prevention Districts;	Chapter 363
Stimulation of economy with community and economic development programs;	Sec. 381.004
Creation of county development districts;	Chapter 383
Creation of county assistance districts;	Chapter 387
Participation in regional planning commissions;	Chapter 391
Establishment of county housing authorities;	Chapter 392
Competitive bidding on public works contracts;	Sec. 271.021 et seq.
May acquire, own, or operate water or wastewater utility system to serve unincorporated territory;	Sec. 562.016
May provide for annual exhibits of horticultural and agricultural products, livestock, and mineral products;	Sec. 319.001 et seq.
May contract for energy conservation consumption reduction in governmental facilities;	Chapter 302

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>13. PUBLIC WORKS, continued</b>	
	<b>Government Code</b>
May issue bonds by election and levy and collect taxes for the purpose of constructing and maintaining pools, lakes, reservoirs, waterways, dams, and canals for irrigation and for purchasing improvements;	Sec. 1474.001 et seq.
County is authorized to own and construct reservoirs, dams, levees, wells and canals, and other improvements and to acquire the necessary rights-of-way and other lands by purchasing or condemnation;	Sec. 1474.151
Shall exercise control and management of affairs and operation of the irrigation system and shall operate under the powers assigned to directors of water improvements districts;	Sec. 1474.152
May issue bonds for the improvement of rivers, creeks, and streams to prevent overflow and for all necessary drainage purposes;	Sec. 1474.004
May recover legal fees in government contracts for public works, supplies, materials, or equipment;	Sec. 2252.904
In counties under 125,000, may participate in rural technology center grant program of state office of Rural Affairs;	Sec. 487.751 et seq.
May participate in regional planning for delivery of mutual aid during disasters;	Chapter 418
Enterprise zones;	Chapter 2303
Prevailing wage rates for public works;	Chapter 2258
Comply with limitations and procedures for use of eminent domain power in acquisition of property;	Chapter 2206
	<b>Transportation Code</b>
Annual report submitted by auditor to state comptroller regarding county road expenditures;	Sec. 256.009
May create commuter rail district for service to border counties;	Chapter 174

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>13. PUBLIC WORKS, continued</b>	
	<b>Natural Resources Code</b>
Creation of beach park board of trustees for Gulf Coast counties;	Chapter 62
Lease of county property for mineral development including coal and lignite;	Chapter 71
Protection of Gulf Coast beach dunes;	Chapter 63
	<b>Parks and Wildlife Code</b>
Regulation of wildlife through development of regional habitat conservation plans for endangered species;	Sec. 83.011 et seq.
	<b>Property Code</b>
Notice of possible public improvement district assessments for districts under Local Government Code chapter 372;	Sec. 5.014
Exemption of real property held by the county from attachment, execution, and forced sale;	Sec. 43.002
	<b>Government Code</b>
Annual reports to comptroller for eminent domain databases;	Sec. 2206.151 et seq.
	<b>Health and Safety Code</b>
May acquire land on which to locate public dumping and garbage disposal grounds through use of general fund;	Sec. 364.014
May operate solid waste facilities;	Sec. 361.151 et seq.
May acquire, construct, operate, or maintain all or part of one or more solid waste disposal systems and may contract for its collection, transportation, and handling by a person for the county;	Sec 364.013
May make recommendations to Environmental Quality Commission to bring enforcement actions for clean air act;	Sec. 382.112
A county may execute a cooperative agreement with the Texas Environmental Quality Commission or with local governments (1) to provide for the performance of air quality management, inspection, and (2) for the transfer of money or property for the functions cited;	Sec. 382.115
May issue revenue bonds for the purpose of acquiring, constructing, and improving air pollution control facilities and their real property;	Sec. 383.021



**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>13. PUBLIC WORKS, continued</b>	
	<b>Health and Safety Code</b>
Regulation of litter under Texas Litter Abatement Act;	Chapter 365
Establishment of local health units and health authorities pursuant to Local Public Health Reorganization Act;	Chapter 121
Establishment of county hospital authority;	Chapter 264
May establish license procedures for private sewage facilities;	Chapter 366
	<b>Agriculture Code</b>
May use county equipment in soil conservation and to prevent erosion;	Sec. 201.151
May establish agricultural experiment farm and station;	Sec. 43.002
May issue bonds with voter approval for acquiring land and construction thereon for an agricultural experiment station and lease such to the state or US government;	Sec. 43.017
May establish and conduct cooperative demonstration work in agricultural and home economics with Texas A&M;	Secs. 43.031–43.033
May solely establish, implement, and conduct a program for the eradication or control of the fire ant or work in conjunction with other public or private programs;	Sec. 77.001 et seq.
	<b>Water Code</b>
Upon petition, may create water control and improvement districts for improvements and construction for irrigation, navigation, drainage, and the preservation and conservation of natural resources within the county;	Chapter 51
May conduct hearing and election, upon petition, for creation of fresh water supply districts to conserve, transport, and distribute fresh water from any sources for domestic and commercial uses;	Chapter 53
May conduct hearing and election to create water improvement districts to provide for irrigation and furnish water for domestic and commercial uses;	Chapter 55

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>13. PUBLIC WORKS, continued</b>	
	<b>Water Code</b>
May conduct hearing and election to create levee improvement districts to construct and maintain levees along rivers, creeks, and streams; reclaim lands from stream overflows; provide for proper drainage;	Chapter 57
May conduct hearing and election to create navigation districts to improve rivers, bays, canals and other inland water; construct canals and waterways to permit navigation;	Chapter 61
May conduct hearing and election to create navigation districts to improve and conserve inland and coastal water for navigation;	Chapter 62
May conduct hearing and election to create self-liquidating navigation districts;	Chapter 63
May have the opportunity to submit an opinion to the Texas Environmental Quality Commission for consideration prior to passing on a MUD request for a bond issue to finance a district project;	Sec. 54.5161
Conduct hearing to create irrigation districts;	Chapter 58
Conduct hearings to create drainage districts;	Chapter 56
Shall adopt orders necessary for eligibility to participate in the National Flood Insurance Program.	Sec. 16.3145
<b>14. JUVENILES</b>	
	<b>Local Government Code</b>
May impose juvenile curfews for unincorporated territory of county;	Sec. 351.903
	<b>Human Resources Code</b>
May accept state aid for the acquisition of post-adjudication residential or day-treatment juvenile centers;	Sec. 223.006
Establishment of detention homes and parental schools for delinquent juveniles;	Chapters 62, 63
Creation and funding of juvenile boards;	Chapter 152
May review budget for juvenile probation departments submitted by juvenile board;	Sec. 152.0012

**COUNTY COMMISSIONERS COURT**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>14. JUVENILES, continued</b>	
	<b>Texas Family Code</b>
May create local data advisory board in connection with juvenile justice information system;	Sec. 58.111
Appointment of child welfare board;	Sec. 264.005
Establishment of children's advocacy centers;	Sec. 264.402 et seq.
Contracts with state Department of Family and Protective Services for foster care;	Sec. 264.101 et seq.
Child abuse prevention and protection plan required for state expenditures;	Sec. 264.010
County participation in integrated statewide system for enforcement of child support and medical support;	Chapter 231
Participation in county advisory work group for Title IV-D services;	Sec. 231.012
	<b>Education Code</b>
Requirements of juvenile board regarding student code of conduct, juvenile justice alternative education programs; state approval required for counties over 125,000 population.	Chapter 37

# COUNTY JUDGE

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## COUNTY JUDGE

The county judge is both presiding officer of the commissioners court (Tex. Const. Art. V, Sec. 18) and judge of the county court (Tex. Const. Art. V, Sec. 15). As such, the judge is often thought of as the chief executive officer of the county.

The duties of the county judge vary depending on the population of the county. In most rural counties, the judge has broad judicial responsibilities and is often the principal source of information and assistance.

The judge's duties as part of the commissioners court are detailed in the section on the court. It is incumbent upon the judge, as presiding officer of the commissioners court, to carefully abide by statutes requiring that meetings of governmental bodies be open to the public. Additional specific statutory charges are enumerated in the following: elections, finance, bonds and sureties, court operations, mental health, special districts, and general administration.

**COUNTY JUDGE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Government Code</b>
Post bond, payable to treasurer, to be approved by commissioners court;	Sec. 26.001
Appointment of special judges;	Secs. 26.011 - 26.028
Appointment of acting county judge by commissioners court if incumbent suspended;	Sec. 26.017
	<b>Texas Constitution</b>
Vacancies in judicial offices.	Art. V, Sec. 28
<b>2. ELECTIONS</b>	
The county judge has a variety of responsibilities associated with the holding of elections.	
	<b>Local Government Code</b>
Issue certificate of election to officers elected in creation and organization of new county;	Sec. 71.023
Declare office of treasurer vacant if elected person fails to make bond within specified time;	Sec. 83.004
Call election related to change in county territory;	Sec. 71.011
Call election in newly created county by judge from which county derived;	Sec. 71.023
Receive results of election; certify and transmit to speaker of house of representatives;	Sec. 71.012
Declare results of election to relocate county seat;	Sec. 73.014
	<b>Election Code</b>
May not certify ineligible persons as elected;	Sec. 67.016
Serve as member of county election board;	Sec. 51.002
May order elections;	Sec. 3.004
May declare election void in case of a tie and order another election;	Sec. 2.002
Receive returns from election for use in official canvass of results;	Chapter 66
Canvassing procedures;	Chapter 67
Certify elections after votes canvassed;	Sec. 67.016
May verify petition signatures;	Sec. 141.069

**COUNTY JUDGE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. ELECTIONS, continued</b>	
	<b>Election Code</b>
Provide bilingual election materials in English and Spanish;	Chapter 272
Order county election stating date, offices, etc.;	Sec. 3.004
Require posting of notice of election;	Secs. 4.001–4.007
Have order for election delivered to precinct judges;	Sec. 4.007
Hold special elections for US Congress and for members of legislature;	Chapters 203, 204
Certification of runoff candidates in election;	Sec. 2.027
Supervise the casting of lots for tie vote in runoff;	Sec. 2.028
Ordering elections;	Chapter 3
Giving notice of upcoming election;	Chapter 4
May contract with political subdivisions or parties to hold elections;	Secs. 31.091–31.100
	<b>Water Code</b>
Accept petition for election of directors for levee improvement districts;	Sec. 57.060
Call meeting for election of navigation district commissioners;	Sec. 61.158
	<b>Agriculture Code</b>
Carry out election required for weather modification activities;	Sec. 301.001 et seq.
<b>3. FINANCIAL RESPONSIBILITIES</b>	
The county judge has certain financial responsibilities.	
	<b>Local Government Code</b>
Receive applications for designation as county depository;	Sec. 116.023
Include revenue estimate from taxes in proposed budget;	Sec. 111.004
File copy of proposed budget with clerk;	Sec. 111.006
May require information from any county officer when necessary to budget preparation;	Sec. 111.005
Serve as budget officer assisted by auditor and county clerk;	Sec. 111.002

**COUNTY JUDGE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. FINANCIAL RESPONSIBILITIES, continued</b>	
	<b>Local Government Code</b>
Make report at each regular meeting of commissioners court of any money collected for county;	Sec. 114.044
Report on money collected must follow statutory format;	Sec. 114.044
Sign or attest order for payment issued against county treasurer or have clerk perform this responsibility;	Sec. 113.042
Sign and approve requisition for purchase of materials before claim can be honored by auditor;	Sec. 113.901
Approve resolution by commissioners court to hire accountant for independent audit;	Sec. 115.031
Keep accounts of all monies accruing to office;	Sec. 114.041
Charge fees as specified in statute;	Sec. 118.101
	<b>Government Code</b>
Sign statement prepared each term reporting all jury fees and fines collected;	Art. 51.402
Sign bonds issued by county before delivery;	Sec. 1301.002
Must keep fee book and observe other regulations;	Chapter 603
	<b>Health and Safety Code</b>
Pay bounties authorized by commissioners for destruction of certain animals in certain counties;	Chapter 825
Set allowable fees for court-appointed attorneys and physicians in mental health proceedings;	Sec. 571.017
	<b>Agriculture Code</b>
Approve payment on expenses of county agricultural experiment farm and station.	Sec. 43.016



**COUNTY JUDGE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. PERSONAL BOND AND SURETIES</b>	
The county judge has specific responsibilities for setting and receiving bond or sureties for certain county officials and other persons.	
	<b>Local Government Code</b>
Approve bond from commissioners;	Sec. 81.002
Accept bond of tax assessor-collector deputies for branch offices;	Sec. 292.028
Approve oath and bond for county surveyors;	Sec. 72.005
Accept bond from county treasurer;	Sec. 83.002
Receive bond for subdivision road construction set by commissioners court;	Sec. 232.004
	<b>Transportation Code</b>
Accept bond from road commissioners;	Sec. 252.104
Accept bond from road superintendent;	Sec. 252.204
Accept bond from operator of ferry;	Sec. 342.104
	<b>Water Code</b>
Accept appeal bond regarding levee improvement districts;	Sec. 57.022
Accept bond for navigation district commissioners.	Sec 61.076
<b>5. ADMINISTRATION OF COUNTY COURT</b>	
The county judge has certain administrative responsibilities associated with the operation of the county court.	
	<b>Local Government Code</b>
Hold commissioners court at county seat;	Sec. 81.005
Maintain offices at county seat, keep records at county seat;	Sec. 291.002 et seq.
Presiding officer of commissioners court;	Sec. 81.001
Practice of law in connection with a substantial interest of a business entity;	Sec. 171.010
May hold court in auxiliary courthouses;	Sec. 292.002

**COUNTY JUDGE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>5. ADMINISTRATION OF COUNTY COURT (continued)</b>	
	<b>Occupations Code</b>
Serve as member of county bail bond board in counties over 110,000;	Sec. 1704.053
	<b>Government Code</b>
Constitutional county court, generally;	Chapter 26
Participate in selection of jury lists;	Sec. 62.004 - 62.007
Select jury panel; require additional prospective jurors to be notified;	Sec. 62.015
May appoint counsel for any party making affidavit in inability to employ counsel;	Sec. 26.049
Employ stenographers or clerks where approved by commissioners court;	Sec. 55.001
Not permitted to practice law in court with original or appellate jurisdiction;	Sec. 82.064
Appoint clerk pro tem when county clerk is party to proceeding;	Sec. 51.401
Appoint court reporter.	Sec. 52.041
<b>6. MENTAL HEALTH</b>	
The county judge has certain duties in the area of preservation or promotion of mental health.	
	<b>Health and Safety Code</b>
Determine relative private/public nature of records filed with clerk in allowing or prohibiting inspection of records of mentally ill;	Sec. 571.015
Request county attorney to represent state in commitment hearing;	Sec. 571.016
Set allowable fees for court-appointed attorneys and physicians;	Sec. 571.017
May file application for temporary hospitalization on behalf of person;	Sec. 574.001 et seq.
Require examination by two physicians;	Sec. 574.009

DUTY/RESPONSIBILITY	AUTHORITY
<b>6. MENTAL HEALTH (continued)</b>	
	<b>Health and Safety Code</b>
In indefinite commitment proceeding may: Hold hearing; Set new trial; Stay order for commitment; Direct clerk to issue writ of commitment; Hold hearings for commitment of drug abusers; Return to home county person released from state mental retardation facility; Conduct hearing to determine liability for payment for care of child in state institution.	Sec. 574.031; 574.032 Sec. 574.067 Sec. 574.070 Sec. 574.046 Sec. 462.061  Sec. 571.008  Sec. 552.019
<b>7. SPECIAL DISTRICTS</b>	
The county judge has certain responsibilities associated with creation and operation of special districts.	
	<b>Health and Safety Code</b>
Participate in creation of hospital districts, sign bonds issued, sell bonds;	Chapters 282, 283
	<b>Water Code</b>
Designate cemetery for re-interment necessitated by eminent domain proceedings of waters districts;	Sec. 49.224
Call hearing on creation of single-county water control and improvement district;	Sec. 51.017
Duties regarding levee improvement district; set hearing if commissioners court not in session;	Sec. 57.014
Accept appeal bond;	Sec. 57.022
Creation of district;	Sec. 57.011 et seq.
Accept petition for election of levee directors;	Sec. 57.060
Call meeting for election of navigation district commissioner;	Sec. 61.158
May not have interest in contract with navigation district when serving on board.	Sec. 61.119

**COUNTY JUDGE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>8. GENERAL ADMINISTRATIVE DUTIES</b>	
The county judge has various general administrative responsibilities.	
	<b>Local Government Code</b>
Preside over commissioners court;	Sec. 81.001 and Tex. Const. Art. V, Sec. 18
In border counties over 800,000, may delegate duties to a county commissioner;	Sec. 81.029
Fill vacancy in commissioners position;	Sec. 87.042
Upon petition order election to relocate county seat;	Secs. 73.011; 73.013
Order election for location of county seat;	Sec. 73.001
Maintain offices at county seat, keep all records at county seat;	Secs. 291.002; 292.002
Execute conveyance of land to US Government as prescribed by commissioners court;	Sec. 263.201 et seq.
May appoint a county industrial commission;	Sec. 381.001
In conjunction with district judges of the county may appoint a purchasing agent;	Sec. 262.011
	<b>Transportation Code</b>
May issue temporary license to operator of ferry until next meeting of commissioners court;	Sec. 342.106
	<b>Government Code</b>
Give notice of meetings; prohibit illegal closed meetings;	Chapter 551
Serve on county emergency board when created by governor for purposes of drafting state militia;	Sec. 431.072
Declaration of local disasters;	Sec. 418.108
May receive copies of Texas Register containing state rules and regulations;	Sec. 2002.015
	<b>Human Resources Code</b>
Serve on juvenile board when created;	Chapter 152

DUTY/RESPONSIBILITY	AUTHORITY
<b>8. GENERAL ADMINISTRATIVE DUTIES, continued</b>	
	<b>Health and Safety Code</b>
Pay bounties authorized by commissioners for destruction of certain animals in certain counties;	Chapter 825
Permit removal of organs of deceased persons upon qualified request of organ procurement organization;	Sec. 693.002
Mass gathering permits;	Sec. 751.001 et seq.
Appoint local registrar of births, as representative of State Department of Health;	Sec. 191.022
	<b>Alcoholic Beverage Code</b>
Refuse or issue alcoholic beverage permits under certain conditions;	Sec. 61.42(c)
Performance of duties regarding wine and beer retailing permits as well as other alcoholic beverage licenses;	Secs. 25.052; 26.07; 61.312
May delegate responsibilities of hearing alcoholic beverage permit and license applications;	Secs. 25.052; 26.07; 61.312
	<b>Texas Family Code</b>
May conduct marriage ceremonies.	Sec. 2.202

# COUNTY TAX ASSESSOR-COLLECTOR

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## COUNTY TAX ASSESSOR-COLLECTOR

The tax assessor-collector is a constitutionally required office for counties over 10,000 population (Tex. Const. Art. VIII, Sec. 14). In smaller counties the office may be created by a majority of the voters, or, as is the case in some Texas counties, the sheriff may perform the duties (Tex. Const. Art. VIII, Sec. 16, 16a).

In the past, the tax assessor-collector determined the value of property and collected taxes within the county. This office could also contract with other governmental units to perform the same services. However, effective on January 1, 1982, state law required that counties participate in a single appraisal district (Tex. Const. Art. VIII, Sec. 18). Under the revision, many duties regarding property taxes which were performed by the county tax assessor-collector, such as appraisal, became duties of the office of the chief appraiser of the districts. Currently, the county tax assessor-collector is to assess and collect taxes on property in the county for the county and, under certain conditions, for another taxing unit (Tax Code Sec. 6.23).

Tax assessor-collector functions under Texas Tax Code, as enacted in 1979 and amended in later years, are enumerated on the following pages. Also listed are the office's responsibilities for motor vehicle registration, voter registration, and other taxing and financial duties.

**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
Duties of assessor and collector in local administration.	
	<b>Tax Code</b>
Assessor-collector shall assess and collect taxes on property in county for county (under certain conditions for other taxing units);	Sec. 6.23(a)
Collection and assessment may be done for county by another taxing unit by contract with the approval of the assessor-collector and the commissioners court;	Sec. 6.24(b)
Receive from chief appraiser certified estimate of total appraised value of all property in district; have access to appraisal records;	Sec. 25.20
Satisfy continuing education requirements.	Sec. 6.231
<b>2. CALCULATION OF TAXES</b>	
The county tax assessor-collector calculates taxes on property in the county, including county tax on agricultural land, timberland, and railroad rolling stock.	
	<b>Tax Code</b>
<b>A. Property in General</b>	
Receives from chief appraiser the appraisal roll for county taxes;	Sec 26.01(b)
On receipt of appraisal roll, assessor shall determine total appraised, assessed, and taxable value of property in taxing unit, plus value of new property;	Sec 26.04(a)
Shall submit appraisal roll for tax purposes showing total appraised, assessed, and taxable values of all properties including new property;	Sec. 26.04(b)
Shall add properties and values of Chapter 24 (agriculture, timber, rolling stock) to appraisal rolls and use combined values to calculate county taxes;	Sec. 26.09(b)
Shall enter amount of tax appraisal roll and submit to governing body to constitute the unit's tax roll;	Sec. 26.09(e)



**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. CALCULATION OF TAXES, continued</b>	
	<b>Tax Code</b>
Shall submit, to governing body of taxing unit within practicable time after receipt from the chief appraiser, appraisal roll for new units created during tax year;	Sec. 26.12(c)
Assess and collect taxes on a consolidated unit;	Sec. 26.13(c)
Shall enter changes made on appraisal roll to tax roll as provided by Sec. 25.25 of the Property Tax Code;	Sec. 26.15(b)
May motion for changes to correct mathematical errors to governing body of tax unit and enter corrections ordered;	Sec. 26.15(c)
Shall prepare and make corrected statement with explanation to taxpayer;	Sec. 26.15(d)
After tax is paid, assessor shall prepare and mail corrections which increase tax liability;	Sec. 26.15(e)
Changes may be made to tax roll at any time to correct name, address, or description of property, or other clerical errors not affecting amount of tax liability; after the chief appraisal roll prepared;	Sec. 25.25
Posting of county tax rate on Internet website;	Sec. 26.16
<b>B. Special Purpose Property</b>	
<b><i>Agricultural Land</i></b>	
Calculate the tax that could be imposed on market value as well as tax on agricultural value;	Sec. 23.46(b)
If designation of land changed to nonagricultural use, calculate tax deferred for three years before, plus interest, prepare and deliver a statement for those additional taxes plus interest;	Sec. 23.46(c)
Prepare statements for additional taxes if land use changes;	Sec. 23.55(e)
<b><i>Timberland</i></b>	
Prepare statements for additional taxes for change in use of land;	Sec. 23.76(e)
<b><i>Railroad Rolling Stock</i></b>	
May not change apportioned values certified by the Comptroller;	Sec. 24.39
Add rolling stock value apportioned to county to tax rolls;	Sec. 24.39
Calculate county taxes on rolling stock;	Sec. 24.39

**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. GENERAL LAW DISTRICTS</b>	
The county tax assessor-collector may serve several general law districts.	
	<b>Water Code</b>
Subject to certain provisions for disqualification;	Sec. 49.059
Assess and collect taxes for navigation district.	Sec. 61.237; 62.251
<b>4. MOTOR VEHICLE REGISTRATION</b>	
The county tax assessor-collector is responsible for motor vehicle registration.	
	<b>Transportation Code</b>
Collect the extra vehicle registration fee if imposed by commissioners court;	Sec. 502.401
Register motor vehicle for TxDOT;	Chapter 502
Issue certificate of title for automobile purchasers and owners;	Sec. 501.027
May temporarily invest motor vehicle fees before remittance to the state;	Sec. 501.138
May deputize individual or business to register motor vehicles and transfer titles;	Sec. 520.0071
Transfer of vehicle registration on second-hand autos;	Sec. 501.145 et seq.
	<b>Parks and Wildlife Code</b>
Receive applications and issue certificates of numbers (and renewal certificates) for motorboats;	Secs. 31.024; 31.025; 31.0341
Issue certificates of title for motorboats or outboard motors;	Secs. 31.046
Disposition of fees collected for certificate of title;	Sec. 31.048
	<b>Government Code</b>
May have access to criminal history information for motor vehicle title service license;	Sec. 411.14065

**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. MOTOR VEHICLE REGISTRATION, continued</b>	
	<b>Tax Code</b>
Collect motor vehicle sales and use tax;	Sec. 152.041
Register motor vehicle purchased for rental;	Sec. 152.061
Affidavits, sales invoices, and any substantiating materials as to required statements;	Sec. 152.062
Calculation of county retention of motor vehicle sales tax collections;	Sec. 152.123
Receipts and disposition of collections.	Sec. 152.064
<b>5. VOTER REGISTRATION</b>	
The county tax assessor-collector may be responsible for voter registration.	
	<b>Government Code</b>
Provide list of voters to use in selecting names for jury wheel;	Sec. 62.001
	<b>Election Code</b>
Register voters unless otherwise directed by commissioners court with approval of county clerk and assessor-collector;	Sec. 12.001
Procedures for voter registration.	Secs. 13.001 - 13.145
<b>6. TAXING AND FINANCIAL RESPONSIBILITIES</b>	
	<b>Local Government Code</b>
Deposit all taxes collected in designated county depository;	Sec. 116.002
Accounts of tax collector kept in treasury;	Sec. 112.031
Receipts due to clerk from tax assessor-collector;	Sec. 112.032
Commission due collector;	Sec. 112.032
Receipt for commissions paid by county;	Sec. 112.032
Treasurer receipt for money deposited;	Sec. 112.032
Compile and submit list of delinquent tax accounts to commissioners court;	Sec. 112.033
Collect occupation tax;	Sec. 112.035

**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>6. TAXING AND FINANCIAL RESPONSIBILITIES, continued</b>	
	<b>Local Government Code</b>
Deliver tax rolls and records to the successor;	Sec. 112.034
Keep accounts of all monies accruing to office;	Sec. 114.041
May accept check or credit card for payment of certain taxes;	Sec. 130.002
	<b>Government Code</b>
Collect taxes assessed to pay for road bonds in same manner as other taxes;	Chapter 1471
Payments in lieu of taxes made by federal government may be remitted through comptroller;	Sec. 403.0121
	<b>Health and Safety Code</b>
Assess and collect taxes for hospital district;	Chapters 282, 283
	<b>Tax Code</b>
File reports with governmental units on collections;	Sec. 31.10
Refund overpayment or erroneous payments;	Sec. 31.11
May disregard exemptions (elderly, disability, homestead) for tax pledged for payment of a debt;	Sec. 11.13(i)
May collect taxes on tangible personal property as approved by commissioners court.	Sec. 11.14
<b>7. OPERATION OF OFFICE</b>	
Miscellaneous statutes affect the operation of county tax assessor-collector's office.	
	<b>Local Government Code</b>
Must maintain an office at county seat;	Sec. 291.002
May have branch office;	Sec. 292.003
	<b>Government Code</b>
Serve on county emergency board when created by governor for purpose of drafting militia.	Sec. 431.072

**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>8. COLLECTION AND REPORTING OF TAXES COLLECTED</b>	
The county tax assessor-collector is responsible for the collection of taxes on property within the county and for reporting the taxes collected.	
	<b>Tax Code</b>
Prepare and mail tax bill to property owners;	Sec. 31.01
Mail bill for Permanent University Fund land to state comptroller (and collects tax from comptroller);	Sec. 31.01(b)
May include taxes due for more than one unit in one bill, but must include information about tax for each unit;	Sec. 31.01(e)
Notifies governing taxing bodies if delinquency date postponed because of late mailing;	Secs. 31.04(b)
May adopt policy accepting partial payment;	Sec. 31.07(c)
May accept payment by credit card;	Sec. 31.06
Upon request, issue certificate showing amount of delinquent taxes, penalties, interest, and charges fee for certificate (for treasury of taxing unit);	Sec. 31.08(a)
Each month, prepares and submits written report to governing body for all taxes collected in previous month;	Sec. 31.10(a)
Prepares annual report for collected and delinquent taxes for past year;	Sec. 31.10(b)
Deposits taxes at least monthly in unit's depository;	Sec. 31.10(c)
Issues tax receipt to any person authorized to pay another's taxes; notes other person making payment and keeps record of tax liens transferred;	Sec. 32.06(b)
	<b>Local Government Code</b>
Preparation of budget for special funds maintained and controlled by tax assessor;	Sec. 111.095
Maintenance of accounts and tax roll records.	Sec. 112.031 et seq.

**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>9. TAX DELINQUENCY, DEFERRED PAYMENTS, SEIZURE OF PROPERTY</b>	
The county tax assessor-collector is responsible for delinquency notification, deferred payment collection, and initiating action for seizure of property for unpaid tax bills.	
	<b>Tax Code</b>
<b>A. Delinquent Taxes</b>	
May make 36-month agreement for payment of delinquent taxes;	Sec. 33.02(a)
Prepares current and cumulative delinquent tax roll each year;	Sec. 33.03
Delivers notice of delinquency to each person on list at least once a year;	Sec. 33.04
<b>B. Seizure of Property</b>	
If taxable property is about to be removed or no other personal property is available to satisfy the tax, collector determines property is subject to seizure;	Sec. 33.21
May apply for tax warrant in any court in the county in which person is liable (several collectors may apply together);	Sec. 33.22(a)
May apply for warrant at any time;	Sec. 33.22(b)
Under tax warrant, seizes personal property;	Sec. 33.23(a)
Takes possession of such property pending its sale;	Sec. 33.23(c)
Must approve collection of cash or surety bond to prevent seizure of property;	Sec. 33.24
After seizure, makes reasonable inquiry to determine any person with interest in property other than delinquent taxpayer and delivers notice of time and place of sale, and description of property to be sold to interested parties;	Sec. 33.25
May receive payment for redemption of land by owner who cannot locate tax-sale purchaser; on demand, shall pay money back to purchaser.	Sec. 34.21

**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>10. POST APPEAL ADMINISTRATIVE PROCEDURES</b>	
The county tax assessor-collector is responsible for certain post appeal administrative procedures.	
	<b>Tax Code</b>
Shall correct tax roll and other records to reflect final determination;	Sec. 42.41
Shall prepare corrected tax bill after appeal, plus explanation (when taxes are increased and the smaller amount was paid previously).	Sec. 42.42
<b>11. MISCELLANEOUS</b>	
	<b>Tax Code</b>
Definition of assessor--officer or employee responsible for assessing property taxes as provided by Chapter 26 for a taxing unit;	Sec. 1.04(14)
Definition of collector--officer or employee responsible for collecting property taxes for a taxing unit;	Sec. 1.04(15)
Assessor may have appraisal roll or tax roll of a taxing unit retained in electronic data equipment (but must retain physical document);	Sec. 1.10
Standards, education, and training for appraisal office are the responsibility of comptroller, which is also responsible for professional and technical assistance to assessor-collector;	Secs. 5.03; 5.04; 5.08
Assessor of taxing unit is chief appraiser if taxing unit performs the duties of an appraisal office pursuant to a contract;	Sec. 6.05(c)
County assessor-collector determined by Article VIII, Sections 14,16, 16a, of Texas Constitution. For other than county or for home-rule city, see exceptions in Sec. 6.22(a) and (b);	Sec. 6.21(a)
Entitled to reasonable fee (not exceeding actual costs incurred) for collecting taxes for another taxing unit;	Sec. 6.27(b)
Elected or appointed assessor-collector must give bonds to state and county (amounts vary for state taxes, county taxes, and other taxing units--see Sec. 6.28(b)-(c) and 6.29(b).	Sec. 6.28

**COUNTY TAX ASSESSOR-COLLECTOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>11. MISCELLANEOUS, continued</b>	
	<b>Civil Practice and Remedies Code</b>
Authority to acknowledge written instruments.	Sec. 121.001



## County Clerk

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## **COUNTY CLERK**

The county clerk is the clerk for the county courts, including probate courts, and the commissioners court. The clerk is also the recorder for the county (Tex. Const. Art. V, Sec. 20). All instruments filed for record are done so in the clerk's office. The clerk carries out elections for the county, issues marriage licenses, and maintains vital statistics.

**COUNTY CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Local Government Code</b>
Make bond, take oath of office, secure errors and omissions insurance;	Secs. 82.001; 82.003
May appoint deputies;	Sec. 82.005
Serve as clerk of commissioners court;	Sec. 81.003
Maintain office at county seat;	Sec. 291.002
Maintain office at auxiliary courthouse and facilities but also keep office at county seat;	Sec. 292.004
	<b>Government Code</b>
May issue marriage licenses; administer all oaths and affirmation; take affidavits and depositions;	Sec. 51.402
Use seal of county court by joint clerk to authenticate actions of county clerk;	Sec. 51.502
In counties with fewer than 8,000 population, office of district clerk is combined with county clerk unless voters authorize separate offices (counties between 5,800 and 5,900 excepted);	Sec. 51.501
Not permitted to practice law in court with original or appellate jurisdiction.	Sec. 82.064
<b>2. ELECTIONS</b>	
The county clerk has overall responsibility for the holding of elections.	
	<b>Local Government Code</b>
Hold election for authorization to create civil service commission;	Sec. 158.001 et seq.
May hold referendum concerning property in counties under 40,000;	Sec. 291.007
	<b>Government Code</b>
Notify secretary of state of county and precinct officers elected;	Sec. 601.006
Publish and post notice of road district; petition for bond election;	Sec. 1471.016
Post notice of road district bond election;	Sec. 1471.018

**COUNTY CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. ELECTIONS, continued</b>	
	<b>Election Code</b>
Receive necessary forms from secretary of state;	Secs. 31.002; 67.009
Receive certified list of candidates from secretary of state;	Sec. 161.008
May contract with political subdivisions or parties to hold election;	Secs. 31.091–31.100
Furnish secretary of state with map showing boundaries of election precincts;	Sec. 42.037
May conduct training program for election officers; (Title 3 of Election Code enumerates election officers);	Secs. 32.113; 32.114
Early voting procedures;	Title 7
Maintain record for public inspection of persons applying for early ballot;	Sec. 81.004
May register voters when authorized by commissioners court with approval of the tax assessor-collector;	Sec. 12.031
Serve as chairman of election board;	Sec. 51.002
Tabulate unofficial returns;	Sec. 66.056
Receive election returns from precinct and hold in office for public inspection for 60 days (except when federal office is on ballots, records must be maintained for 22 months);	Secs. 66.051–66.058
Receive all unused election supplies;	Secs. 66.062
Transmit copy of returns after votes canvassed to secretary of state in certain elections;	Secs. 67.007; 67.017
On election day, transmit periodically to the secretary of state the results of races;	Secs. 68.034
Certify name of elected party precinct chairman;	Sec. 172.118
Work with executive committees of political parties in nomination process and primary election;	Sec. 172.111 et seq.
Use rules to determine residence;	Sec. 1.015
Procedures for voter registration;	Secs. 13.001–13.146
Procedures relating to official ballot;	Secs. 52.001–52.095
Procedures in arrangement and expenses of election including voting booths and ballot boxes;	Secs. 51.001–51.036

**COUNTY CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. ELECTIONS, continued</b>	
	<b>Election Code</b>
Receive lists of party county chairmen and precinct chairmen certified by chairmen of the county committee;	Sec. 172.118
Receive appointment of campaign treasurer for filing;	Sec. 252.005
File financial statements from candidates;	Sec. 254.066
Determination of validity of signatures on petition;	Chapter 277
Conduct joint elections with other political subdivisions;	Secs. 271.001–271.014
	<b>Agriculture Code</b>
Carry out election required for authorization of weather modification activities.	Sec. 301.156
<b>3. RECORDING DUTIES</b>	
The county clerk has extensive recording responsibilities. (Financial records are enumerated under the clerk’s financial responsibilities.)	
	<b>Local Government Code</b>
Must keep records in conformance with the Local Government Records Act;	Chapter 201
File copy of proposed budget and make available for inspection by taxpayers;	Secs. 111.006;111.037; 111.066
File copy of approved budget (and city budgets) and any subsequent amendments;	Secs. 102.009; 111.009; 111.040; 111.069
File records in condemnation proceedings regarding conveyance of land to U.S. government for flood control;	Sec. 263.201
Appointment of members of Board of Park Commissioners to be filed with county clerk;	Sec. 320.024
Record appointment of deputy sheriffs;	Sec. 85.003
Maintain records in a single class, or divide records into seven categories for microfilming and keep indexed;	Secs. 193.002; 193.008
Use seal of county court as seal of county recorder in official acts;	Sec. 191.001
Provide attested copies of all papers recorded in office as demanded and charge fees as law provides;	Sec. 191.004

**COUNTY CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. RECORDING DUTIES, continued</b>	
	<b>Local Government Code</b>
Transcribe records for newly created county;	Sec. 192.003
Shall reflect changes in municipal boundaries on any official county map kept;	Sec. 41.0015
Require specification of legal papers for filing and recording;	Sec. 191.007
Accept records for electronic filing in compliance with rules adopted by State Library and Archives Commission.	Sec. 191.009
Filing of financial disclosures by county officers pursuant to electronic mail;	Chapter 159
	<b>Family Code</b>
Furnish and record marriage licenses;	Sec. 2.001 et seq.
Issuance of certificates of informal marriage;	Sec. 2.402
Issuance of marriage licenses and permits;	Sec. 2.009
	<b>Occupations Code</b>
File affidavits regarding posting of bailbond;	Sec. 1704.207
Receive notice from state regarding practicing midwives in county;	Sec. 203.157
	<b>Transportation Code</b>
File statement of intent, including location and description, to build bridge, causeway, etc., over any arm of the Gulf of Mexico;	Sec. 341.004
Issue notice directing landowners affected by neighborhood roads to be summoned and file orders establishing;	Sec. 251.053
Receipt of notice from Transportation Commission regarding issuance of oversized or overweight vehicle permits;	Sec. 623.013
File petition of taxpayers requesting drainage work;	Sec. 254.002
	<b>Government Code</b>
File and record bond of district clerk;	Sec. 51.302

DUTY/RESPONSIBILITY	AUTHORITY
<b>3. RECORDING DUTIES, continued</b>	
	<b>Property Code</b>
Duties as recorder; Subject to penalty for failing to record;	Sec. 11.004
May accept for recording documents properly acknowledged or sworn to;	Sec. 11.004
Instruments to be filed with clerk: all deeds, mortgages, conveyances, deeds of trust, bonds for title, covenants, defeasances, or other instruments concerning lands, tenements, or goods, and chattels or movable property of any description;	Sec. 12.001 et seq.
Maintain condominium record-books recording master deeds, leases, or declarations;	Sec. 81.103
Maintain book of liens on property--record affidavits for securing lien, index, cross-index records;	Sec. 53.052
Record master form of mortgage and deeds of trust;	Sec. 12.009
May not file maps or plats of subdivisions without approval of commissioners court or of city governing body;	Sec. 12.002
Contract filed with clerk necessary for lien on homestead;	Sec. 53.254
File contract and bond to pay lien and claims;	Sec. 53.203
File declaration of homestead for exemption purposes; designation;	Secs. 41.022; 41.023
Receive judgment in justice of the peace court and partition of land under court order; file in office;	Secs. 12.005; 12.015
Receive lis pendens notice of suit for land to be filed;	Sec. 12.007
File record of injuries related to hospital or clinic lien for services;	Secs. 55.005; 55.006
File, index, and number certificates of redemption of US government;	Sec. 12.011
May accept filings of federal tax and other liens;	Chapter 14
Must accept for recording executory contracts for deed;	Sec. 5.076
	<b>Business Organizations Code</b>
File decree on revocation of certificate of authority, foreign nonprofit corporations;	Sec. 9.161

DUTY/RESPONSIBILITY	AUTHORITY
<b>3. RECORDING DUTIES, continued</b>	
	<b>Health and Safety Code</b>
File all application, petitions, and certificates related to mental competency hearings;	Sec. 571.014
When commitment appeal filed, send transcript to court of appropriate jurisdiction;	Sec. 574.070
File acquisition of property for use as cemetery, crematorium, mausoleum, etc.;	Sec. 711.033
Register all births, deaths, and fetal deaths; certify adoptions;	Chapter 191
File affidavit on unclaimed bodies;	Sec. 691.025
	<b>Natural Resources Code</b>
Enter statement of forfeiture or contract to purchase land under Veterans Land Program;	Sec. 161.315
Shall keep records in office if there is no county surveyor;	Sec. 23.057
Keep record of sale of public land within county;	Sec. 51.065
File lease of public lands within county;	Sec. 51.127
	<b>Tax Code</b>
Maintain records of state tax liens;	Secs. 113.004; 113.005
File tax lien releases;	Sec. 113.009
Receive petition from voters for election to consolidate assessing and collecting functions;	Sec. 6.26
	<b>Water Code</b>
Record permit issued to take and use water;	Sec. 11.136
File information on water control and improvement districts;	Sec. 51.015
File notice of creation of multi-county water control and improvement districts;	Sec. 51.032
Transfer records of levee improvement district to district clerk;	Sec. 57.024
File oath of navigation district commissioners;	Sec. 61.075



<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. RECORDING DUTIES, continued</b>	
	<b>Business and Commerce Code</b>
File and index financing statement of security interest in loan transactions, fees;	Secs. 9.501; 9.519
File and index amendment to financing statements, fees;	Sec. 9.502
File and index termination statement;	Sec. 9.513
File and index financial statement of assignment of security interest in collateral fees;	Sec. 9.514
Acceptance for filing of secured transactions;	Sec. 9.501
Report on filed statements on request.	Sec. 9.523
<b>4. FINANCIAL RECORDS</b>	
The county clerk has certain financial responsibilities including maintaining certain financial records.	
	<b>Local Government Code</b>
File copy of proposed budget and make available for inspection by taxpayers;	Secs. 111.006; 111.037; 111.066
File copy of approved budget and any subsequent amendments;	Secs. 111.009; 111.040; 111.069
File copy of budgets of cities within boundaries;	Sec. 102.009
Assist county judge in preparation of budget;	Secs. 111.003; 111.033
Collect fees as specified in statute;	Sec. 118.051 et seq
Hold funds deposited relating to condemnation proceedings to acquire land for use by US government;	Sec. 280.001
Orders for payment issued on county treasury must be signed by judge or clerk of court issuing order for payment;	Sec. 113.042
Make reports to auditor on monthly basis on trust funds; all checks on trust funds to be co-signed by auditor (counties over 190,000);	Sec. 117.058
Observe procedures set out by auditor for accounting and for depositing money in county depository (counties over 190,000);	Sec. 112.002
Unless commissioners court adopts order relieving clerk of duties, clerk issues all deposit warrants for county treasury in triplicate;	Sec. 113.023

**COUNTY CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. FINANCIAL RECORDS, continued</b>	
	<b>Local Government Code</b>
Issue triplicate warrants for all deposits made on county treasury (except in counties over 2.2 million);	Sec. 113.023
Keep accounts of all monies accruing to office;	Sec. 114.041
Keep finance ledger for commissioners court with account for each county officer who receives or collects money for county;	Sec. 112.004
Keep account of tax collector according to statute;	Sec. 112.031
Accept receipt specifying amounts of tax rolls;	Sec. 112.032
Credit collector's account when tax rolls passed to successor;	Sec. 112.034
Authority to collect five-dollar records archive fee;	Secs. 118.011; 118.025
Authority of counties with a population of 3.3 million to renovate buildings and facilities without notice to the city or obtain a building permit;	Sec. 245.007
Keep separate account for sheriff;	Sec. 112.051
Make full report of collections to commissioners court--also enter reports of other county officers on finance ledger;	Sec. 114.044
Make reports in form specified by statutes;	Sec. 114.044
Keep account of justice of peace fines imposed and/or collected;	Sec. 112.052
Use prescribed procedure in recording and handling estray accounts;	Sec. 112.053
Keep record of county indebtedness based on reports submitted at each month's end;	Sec. 114.061
File commissioners court's affidavits attesting to compliance to inspect accounts of county treasurer;	Sec. 114.026
All reports to be filed and sworn to within five days of month's end;	Sec. 114.001
Must use forms prescribed by auditor for collection of county revenues, funds, fees, and other money, and keep accounts according to prescribed forms;	Secs. 112.001; 114.002
Furnish auditor with itemized report specifying orders for payment issued, numbers, amounts, persons, and purpose on forms supplied by auditor;	Sec. 113.046
Wherever auditor's duties imposed by statutes overlap the clerk's, clerk is relieved of duties;	Sec. 112.009
File receipts for collector's credits;	Sec. 112.032

DUTY/RESPONSIBILITY	AUTHORITY
<b>4. FINANCIAL RECORDS, continued</b>	
	<b>Local Government Code</b>
Enter names of indigent and delinquent taxpayers in minutes of commissioners court meeting;	Sec. 112.033
Fee schedule;	Secs. 118.011 et seq; 118.051 et seq.
Disclosure requirements of relationships to vendors and contractors of county;	Chapter 176
Collect fees attached to cases due to county law library funds and transmit to treasurer;	Sec. 323.023
	<b>Government Code</b>
Countersign bonds issued by county before delivery;	Sec. 1301.002
May not charge fees in certain cases;	Sec. 51.606
May take acknowledgment fees in certain cases;	Sec. 603.005
Must keep fee book and observe other regulations of fees as specified;	Sec. 603.006
Prepare written statement on jury fees and fines at each term, and transmit all jury fees and fines to county treasurer;	Sec. 51.402
	<b>Health and Safety Code</b>
Keep record of bonds issued in public hospital district;	Chapter 283
	<b>Parks and Wildlife Code</b>
Transmit fines collected for violation of wildlife regulations to Texas Park and Wildlife Department;	Sec. 12.107
	<b>Tax Code</b>
Receive judgments for unpaid taxes (sales, excise and use tax) to be filed as lien against person's real property;	Sec. 151.608
	<b>Natural Resources Code</b>
Entitled to fees for recording county surveyor documents;	Sec. 23.060

**COUNTY CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. FINANCIAL RECORDS, continued</b>	
	<b>Water Code</b>
Accept deposit filed with petition to create levee improvement district;	Sec. 57.013
Accept deposit with petition to form navigation district;	Sec. 61.026
	<b>Civil Practice and Remedies Code</b>
Collect interpreter fees as court costs when necessary.	Sec. 21.051
<b>5. ADMINISTRATIVE DUTIES</b>	
The county clerk has certain general administrative duties.	
	<b>Local Government Code</b>
Shall be clerk of commissioners court;	Sec. 81.003
Keep and certify minutes for commissioners court meeting;	Sec. 81.003
Record appointment of county auditor in minutes of commissioners court;	Sec. 84.003
Verify a petition, when received from the commissioners court, for an election granting the county the authority to adopt zoning and building construction ordinances around certain lakes;	Sec. 231.076
	<b>Occupations Code</b>
Serve as a member of the county bail bond board in counties over 110,000;	Sec. 1704.053
	<b>Transportation Code</b>
Post notice of hearing on petition of taxpayers requesting drainage work;	Secs. 254.002; 254.003
	<b>Government Code</b>
Participate in selection of jurors;	Sec. 62.001

**COUNTY CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>5. ADMINISTRATIVE DUTIES, continued</b>	
	<b>Property Code</b>
Post notice of foreclosure sales on county website;	Sec. 51.002
	<b>Agriculture Code</b>
Issue certificates and receive bond from public warehouse operator;	Secs. 14A.002; 14A.003; 14A.004
Receive registration of persons engaging in business of slaughtering;	Sec. 148.002
Maintain and post affidavits and records concerning the impoundment and sale of animals;	Sec. 142.009 et seq.
	<b>Tax Code</b>
Participate in the selection of directors for appraisal district board; determine number of votes to which taxing unit is entitled, count votes;	Sec. 6.03
File resolution for changes in the appraisal board membership or selection;	Sec. 6.031
	<b>Water Code</b>
Prepare notice of hearing on single-county water control and improvement district;	Secs. 51.017; 51.018
Post notice of hearing on certain of levee improvement districts;	Sec. 57.015
Post notice of hearing on petition to form navigation district;	Sec. 61.028
	<b>Civil Practice and Remedies Code</b>
Acknowledgement of written instruments;	Sec. 121.001 et seq.
Authority to take depositions.	Sec. 20.001

DUTY/RESPONSIBILITY	AUTHORITY
<b>6. MISCELLANEOUS</b>	
<p>The county clerk serves as clerk for county criminal, civil, and probate courts. Primary statutory provisions for this support come from the Texas Penal Code, the Code of Criminal Procedure, and the Rules of Civil Procedure not covered in this enumeration. A few miscellaneous statutes affecting the clerk's judicial functions are listed below.</p>	
	<b>Government Code</b>
<p>When case transferred, make out transcript of proceedings and transmit to district clerk with bill of costs accrued and transmit to district clerk certified copy of unsatisfied judgments;</p>	Sec. 51.403
	<b>Health and Safety Code</b>
<p>Issue writ of commitment when directed by county judge;</p>	Sec. 574.046
<p>Prepare transcript on indefinite commitment for hospital.</p>	Sec. 574.047

# COUNTY TREASURER

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## **COUNTY TREASURER**

The county treasurer is elected by the voters of each county for a term of four years and must maintain an office at the county seat (Tex. Const. Art. XVI, Sec. 44; Local Government Code Chapter 83). Legislatively prescribed duties fall into three basic categories: receipt of funds, disbursement of funds, and accounting for funds in custody. The following compilation lists specific statutory responsibilities under these three general categories. A fourth category includes legislation qualifying the treasurer to serve and other miscellaneous statutes.



**COUNTY TREASURER**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Local Government Code</b>
Before assuming duties must make bond payable to county judge in amount set by commissioners court;	Sec. 83.002
Must make another bond or bonds if required by commissioners court;	Sec. 83.002
Must complete continuing education courses;	Sec. 83.003
May appoint person to act in treasurer's place with commissioners court approval;	Sec. 83.005
Written appointment of assistant treasurer under seal of county court;	Sec. 83.009
Failure to provide required bonds results in removal from office;	Secs. 83.002; 83.004
Vacancy filled by commissioners court by majority vote;	Sec. 87.041
Appointed treasurer must take oath and make bond within 20 days of notification;	Sec. 83.004
Keep office at county seat;	Sec. 291.002
Can have auxiliary offices under certain circumstances;	Sec. 292.001 et seq.
Removal from office by district judge for incompetence;	Secs. 83.003; 87.012; 87.013
	<b>Government Code</b>
May administer oaths;	Sec. 602.002
	<b>Health and Safety Code</b>
With voter approval may register dogs, issue tags, and collect tax;	Chapter 822
	<b>Texas Constitution</b>
Hold office for four years.	Sec. Art. XVI, Sec. 44
<b>2. RESPONSIBILITY FOR MONIES COLLECTED</b>	
	<b>Local Government Code</b>
Responsibility for receiving all money due the county from whatever source;	Sec. 113.003
Responsibility for all money coming into the treasury;	Sec. 113.001 et seq.
Chief custodian of county funds;	Sec. 113.001

**COUNTY TREASURER**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. RESPONSIBILITY FOR MONIES COLLECTED, continued</b>	
	<b>Local Government Code</b>
Issue receipt to tax collector for monies deposited into treasury from property tax;	Sec. 112.032
Recovery of legal fees and other costs incurred by county in prosecution to collect debt;	Sec. 113.902
Issue receipt to tax collector for monies deposited into treasury from occupation tax;	Sec. 112.035
Issue receipt for money collected by sheriff in judgments, fines, forfeitures, and penalties and deposited into treasury;	Sec. 112.051
Issue receipt to justice of the peace for deposit of collected fines into treasury;	Sec. 112.052
Issue receipt for money received in sale of estray and keep records of transaction;	Sec. 112.053
Procedure for receipt of money for deposit in treasury;	Sec. 113.023
Collect fees for returned checks, stop payment orders, copies of certain records;	Secs. 118.141–118.144
May accept gift or donation of salary of county or precinct official;	Sec. 152.002
Serve as custodian of funds collected from tax levy to retire bonds funding seawall construction;	Sec. 571.010
	<b>Transportation Code</b>
Issue receipt of fee payment for license to operate ferry;	Sec. 342.103
	<b>Government Code</b>
Receive jury fees and fines collected by county clerk;	Sec. 51.402
Receive bond from county judge;	Sec. 26.001
Direct prospective juror donations of reimbursement to specified agencies and programs.	Sec. 61.003
Investment training for county treasurers;	Sec. 2256.008
	<b>Health and Safety Code</b>
Receive money from sale of bonds for public hospital district;	Sec. 282.078

**COUNTY TREASURER**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. RESPONSIBILITY FOR MONIES COLLECTED, continued</b>	
	<b>Agriculture Code</b>
Deposit and disburse funds from the sale of impounded animals;	Sec. 142.013
	<b>Natural Resources Code</b>
Accept filing fee for application for permit to excavate sand, marl, gravel, or shale;	Sec. 61.214
	<b>Water Code</b>
Serve as treasurer of navigation district.	Sec. 61.078
<b>3. DISBURSEMENT OF FUNDS</b>	
The county treasurer is responsible for disbursement of all funds in the county treasury.	
	<b>Local Government Code</b>
All orders for payment issued against treasurer must be signed and attested by clerk of judge of issuing court;	Sec. 113.042
All orders for payment on county treasurer except orders for payment for jury service must be counter-signed by auditor;	Secs. 113.043; 113.065; 113.901
Responsible for expending money from the treasury in accordance with the directions of the commissioners court and honoring orders for payment issued by authorized county officials;	Sec. 113.041
Shall not pay any money out of treasury except in pursuance of certificates of authorized county officials;	Sec. 113.041
Follow specified procedure for handling orders for payment;	Sec. 113.042
Maintain claim register of all claims against county--no payment until registered.	Sec. 113.061

**COUNTY TREASURER**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. RECORDKEEPING AND REPORTING</b>	
The county treasurer is responsible for accounting for all funds in the county treasury and submits periodic reports to the commissioners court for approval.	
	<b>Local Government Code</b>
Make available to auditor on request records and cash in custody of treasurer for inspection;	Sec. 115.003
File monthly report in clerk's office showing amount of claims and classification;	Sec. 114.061
Presentation to commissioners court of tabular statement, if no county auditor;	Sec. 114.021
If no county auditor, publish annual exhibit reflecting amounts paid from county funds as well as indebtedness;	Sec. 114.022
Issue receipt for report of claims required to be submitted to treasurer;	Sec. 113.063
Keep detailed accurate accounts showing all transactions of the office, vouchers accompanying report to commissioners court for comparison;	Secs. 113.002; 113.045
Treasurer's reports to be approved by commissioners court each regular term and affidavit filed with the clerk and record in minutes;	Sec. 114.026
Keep true account of receipts and expenditures of money and of debts due to and from county;	Secs. 113.002; 113.902
Provide detailed report of all monies received and disbursed to commissioners court each regular term;	Sec. 114.026
Examine accounts, dockets, and records of clerks, sheriff, justices of peace, constables, and tax collectors and make report to commissioners court;	Sec. 115.901
Keep accounts of all monies accruing to office;	Sec. 114.041
Report to commissioners court at each regular term on all money collected and expended;	Sec. 114.044
Classify funds into three classes;	Sec. 113.004
Transfer money from one fund to another at direction of commissioners court;	Sec. 113.004
Maintain separate fund for county library;	Sec. 323.007
Maintain separate County Law Library Fund;	Sec. 323.023
Deliver all money, securities, and other property of county to successor;	Sec. 83.004

**COUNTY TREASURER**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. RECORDKEEPING AND REPORTING, continued</b>	
	<b>Local Government Code</b>
Not responsible for loss of funds due to negligence of depository.	Sec. 113.005
Receive and reconcile canceled checks and orders for payment from county depository;	Sec. 113.008
Place court fees and interest from registry funds in general fund;	Secs. 117.054; 117.055
Transfer funds to designated depository;	Sec. 116.113
May collect reasonable research fee relating to collection of overdue county orders for payment and checks;	Sec. 116.120
Account of county treasurer charged with amount of each fund for which receipts are issued, and for money paid out;	Sec. 112.054
Classify claims and maintain register of all claims against county; follow specified procedure for registration of claims;	Sec. 113.061
	<b>Government Code</b>
Register bonds issued by county before delivery and keep account of the amount of principal and interest paid on each;	Sec. 1301.002
	<b>Property Code</b>
Enforcement of escheat law;	Chapter 76
	<b>Water Code</b>
Keep bond record for levee improvement district.	Sec. 57.212

# DISTRICT CLERK

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## **DISTRICT CLERK**

The office of district clerk is created by the Texas Constitution, Article V, Section 9. The district clerk is an elected official whose term of office is four years. Duties of the district clerk in each county revolve around the district court. Specific statutory responsibilities are arranged in the following four categories: administrative, recordkeeping, finance, and miscellaneous.

**DISTRICT CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Government Code</b>
In counties with fewer than 8,000 population, office of district clerk is combined with county clerk unless voters authorize separate offices (counties between 5,800 and 5,900 excepted);	Sec. 51.501
May administer oath and affirmations, and take depositions;	Sec. 51.303; Chapter 602
District clerks, generally;	Chapter 51
Vacancy to be filled by appointment of district judge;	Sec. 51.301
May be temporarily replaced when party to pending or proposed suit;	Sec. 51.308
Must make bond, file, and record with county clerk, approved by commissioners court; obtain errors and omission insurance policy;	Sec. 51.302
Must complete continuing education courses.	Sec. 51.605
<b>2. RECORDKEEPING</b>	
The district clerk has specified recordkeeping duties.	
	<b>Business Organizations Code</b>
Claims against corporation in receivership to be filed with clerk;	Sec. 11.401 et seq.
File certified copy of decree of dissolution of a corporation with secretary of state;	Sec. 11.315
File certified copy of decree of revocation of certificate with secretary of state;	Sec. 9.161
	<b>Government Code</b>
Record all acts and proceedings of district court and report all money received for jury fees or fines;	Sec. 51.303
Provide plan to microfilm or otherwise reproduce all records;	Sec. 51.304
May provide for the storage of court records by technological means;	Sec. 51.304



DUTY/RESPONSIBILITY	AUTHORITY
<b>2. RECORDKEEPING, continued</b>	
	<b>Government Code</b>
Keep civil proceeding minutes separate from criminal—may combine minutes of civil proceedings with other civil recordings and criminal minutes with criminal business in a separate record;	Sec. 51.306
Maintain index to judgments;	Sec. 51.303
Record in minutes disqualification and appointment or election of special district judges;	Sec. 24.004
	<b>Civil Practice and Remedies Code</b>
Acknowledgement of written instruments;	Sec. 121.001 et seq.
Authority to take depositions.	Sec. 20.001
<b>3. FINANCIAL RESPONSIBILITY</b>	
The district clerk has certain responsibilities related to finances.	
	<b>Local Government Code</b>
Report any money collected to commissioners court and file report in county clerk's office; report must follow statutory format;	Sec. 114.044
Orders for payment issued on county treasury must be signed and attested by clerk or judge;	Sec. 113.042(f)
Use forms prescribed by auditor for reports on collection and disbursement of funds (counties over 190,000);	Sec. 114.043
Report to auditor in counties over 190,000 on all registry funds, secure auditor's signature on all checks written on registry funds;	Sec. 117.058
Collect fees attached to civil cases due to county law library funds and transmit to treasurer;	Sec. 323.023
Keep account of all money accruing to office;	Sec. 114.041
Disposition of and accounting for fees received by district clerk;	Sec. 114.044
Issue orders for payment when authorized by commissioners court to pay interpreters;	Sec. 152.903

**DISTRICT CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. FINANCIAL RESPONSIBILITY, continued</b>	
	<b>Local Government Code</b>
Receive annual report from county officers compensated on fee basis;	Sec. 114.046
	<b>Government Code</b>
Collect fees as specified;	Secs. 51.317 – 51.319
Collect court reporter's fees;	Sec. 51.601
May collect jury fee in civil cases;	Sec. 51.604
Arrange pay of jurors from jury fund.	Sec. 61.001
<b>4. ADMINISTRATIVE DUTIES</b>	
The district clerk has certain general administrative duties.	
	<b>Local Government Code</b>
Maintain office at county seat;	Sec. 291.002
May have office at auxiliary courthouse but must also maintain office at county seat;	Sec. 292.004
Certify and transmit to commissioners court actions of district judge(s) in appointing auditor in various counties;	Sec. 84.003
Bond and oath of county clerk to be deposited in office of district clerk;	Sec. 82.001
	<b>Occupations Code</b>
Serve as member of the county bail bond board in counties over 110,000;	Sec. 1704.053
	<b>Government Code</b>
Joint clerk uses district clerk seal to authenticate acts as district clerk;	Sec. 51.502
May appoint deputies;	Sec. 51.309
Participate in selecting names from jury wheel, reconstituting jury wheels, certifying jury lists, and arranging for juries;	Secs. 62.001–62.010
May process applications for U.S. passports;	Sec. 51.3031

**DISTRICT CLERK**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. ADMINISTRATIVE DUTIES, continued</b>	
	<b>Election Code</b>
Duties in election contests; in case of contested elections, case to be filed in district court and clerk shall docket case as having precedence;	Title 14, Sec. 221.001 et seq.; Sec. 231.001 et seq.
	<b>Property Code</b>
Prepare abstract of judgment rendered when requested.	Secs. 52.002–52.003

# SHERIFF

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## **SHERIFF**

Sheriff is a constitutionally created office with duties to be prescribed by the legislature (Tex. Const. Art. V, Sec. 23). The sheriff is the chief law enforcement officer for the county and is responsible for operating the county jails, investigating crimes, enforcing judgments, and maintaining communications with other law enforcement organizations. The sheriff has countywide jurisdiction, but in practice, most sheriff departments concentrate their activities outside city limits where municipal officers cannot operate. Counties may have a substantial staff and budget. The sheriff is elected every four years and is responsible for security in both the county and district courts. The sheriff also sets bail bond policy for the county except where there is a Bail Bond Board, which establishes the rules and regulations for making bail by bondsmen.

Constitutionally, sheriffs in counties of less than 10,000 population serve as tax assessor-collector (Art. VIII, Sec. 16) unless the voters elect to keep the jobs separate. In several Texas counties the sheriff is also the tax assessor-collector and carries those additional responsibilities.

DUTY/RESPONSIBILITY	AUTHORITY
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Local Government Code</b>
Location of office to be at county seat;	Sec. 291.002
Removal from office by the district judge for incompetence or official misconduct;	Secs. 87.012–87.014
Oath and bond;	Sec. 85.001
Failure to give new bond (condition and penalty described);	Sec. 85.002
Vacancies filled by commissioners court;	Sec. 87.041
Removal from office for failure to give bond;	Sec. 87.014
Shall complete unfinished business of predecessor;	Sec. 85.023
May be required to attend 40 hours of instruction;	Sec. 85.0025
	<b>Occupations Code</b>
Serve as a member of county bail bond board in counties over 110,000;	Sec. 1704.053
	<b>Transportation Code</b>
Must display badge before enforcing traffic laws;	Sec. 720.001
	<b>Government Code</b>
Eligible for payments of assistance by state to survivors of law enforcement officers and others killed in performance of duties;	Chapter 615
Official bonds for officers; sureties (procedure described);	Chapter 604
	<b>Texas Constitution</b>
Transition from two-year to four-year terms of office;	Art. XVI, Sec. 65; Art. V Sec. 23
	<b>Civil Practice and Remedies Code</b>
Liable for damages to persons injured by neglect or refusal of duties.	Sec. 7.001

DUTY/RESPONSIBILITY	AUTHORITY
<b>2. LAW ENFORCEMENT AND JUDICIAL POLICY</b>	
The sheriff is the chief peace officer of the county and additionally has certain judicial responsibilities.	
	<b>Local Government Code</b>
May assist other law enforcement officers under interlocal agreements;	Sec. 362.002
Oversee county jail;	Sec. 351.041
May operate jail commissary with private vendor;	Sec. 351.0415
May employ guards, with approval;	Sec. 85.005
Has charge and control of courthouse subject to commissioners court regulations;	Sec. 291.003
	<b>Transportation Code</b>
Receive reports of traffic accidents in county;	Sec. 550.026
May investigate certain categories of traffic accidents in county and file charges;	Sec. 550.041
May impound vehicles involved in illegal racing on public roadway;	Sec. 545.420(i)
	<b>Government Code</b>
Record behavior of a prisoner imprisoned in a county jail after a conviction of an offense punishable by imprisonment in the Texas prison system;	Chapter 499
Transport prisoners from county jails to state institutions (if willing to perform such services as cheaply as Texas prison board can have it done);	Sec. 500.006
Commission on Jail Standards, generally;	Chapter 511
Not permitted to practice law in court with original or appellate jurisdiction;	Sec. 82.064
Participates in selecting names for jury wheel and safeguards jury selection process;	Secs. 62.001–62.004
May adjourn court when county judge fails to appear and there is no special election of a special judge;	Sec. 26.003
May purchase firearm from county upon honorable retirement;	Chapter 614
Provide court security officers;	Chapter 158

DUTY/RESPONSIBILITY	AUTHORITY
<b>2. LAW ENFORCEMENT AND JUDICIAL POLICY, continued</b>	
	<b>Parks and Wildlife Code</b>
Assist federal government with law enforcement in parks and recreational areas owned by Army;	Sec. 11.019 note
	<b>Code of Criminal Procedure</b>
Send in missing children reports to clearinghouse at Texas Department of Public Safety;	Chapter 63
Commute time for good behavior for prisoners in county jail;	Art. 42.032
Attempt to find work for county inmates;	Art. 42.031
When transferring a defendant to the Texas Department of Criminal Justice, provide director with written report about nature and seriousness of offense;	Art. 42.09, Sec. 8
Investigate death of any person in jail or other custody and file written report of cause of death with attorney general no later than 20 days after death occurs;	Art. 49.18
May allow volunteer pretrial detainees or state inmates to labor on public works;	Art. 43.101
May request prosecuting attorney to seek judicial approval of interception of certain communications;	Art. 18.21
Confiscation and disposition of seized criminal property;	Art. 18.17 et seq.
	<b>Penal Code</b>
Seek felony prosecution for assaults or threats against deputies and jailers;	Sec. 22.02
May seek prosecution for interference (other than speech) with the exercise of official duties;	Sec. 38.15
May seek prosecution for taking firearms from a peace officer;	Sec. 38.14
	<b>Health and Safety Code</b>
Screening for tuberculosis in county jail.	Chapter 89



DUTY/RESPONSIBILITY	AUTHORITY
<b>3. PERSONNEL DUTIES</b>	
The sheriff has duties regarding other county personnel.	
	<b>Local Government Code</b>
May appoint deputies;	Sec. 85.003
May appoint reserve deputies;	Sec. 85.004
May appoint guards, with approval;	Sec. 85.005
Appoint county police in counties over 210,000;	Sec. 85.006
Responsible for acts of deputies and may require bond;	Sec. 85.003
Shall not incur liability for personal injury of reserve deputy sheriff;	Sec. 85.004
Establishment of civil service system in counties of 500,000 or more;	Sec. 158.031 et seq.
Apply to commissioners court for deputies, assistants, or clerks (appointment, compensation, salaries described);	Secs. 151.001–151.004
Authority of county to prohibit use of private vehicles for law enforcement duties;	Sec. 170.001
	<b>Transportation Code</b>
Employ county traffic officers (procedure and salary described);	Sec. 701.001 et seq.
	<b>Government Code</b>
Assign deputy to assist jury panel;	Sec. 62.019
Benefits and financial assistance for survivors of peace officers killed in line of duty.	Chapter 615
<b>4. STATE AGENCIES</b>	
The sheriff has duties and responsibilities related to state agencies.	
	<b>Local Government Code</b>
Execute legislative process or subpoena;	Sec. 85.022
	<b>Transportation Code</b>
Enforce certain vehicle weight limitations;	Sec. 621.401 et seq.

DUTY/RESPONSIBILITY	AUTHORITY
<b>4. STATE AGENCIES, continued</b>	
	<b>Government Code</b>
Made associate member of Texas Department of Public Safety;	Sec. 411.009
Cooperate with director of Department of Public Safety in crime prevention and public safety;	Sec. 411.009
Call in writing for aid from commanding officer of the state military forces (procedure described);	Sec. 431.112
Execute orders and serve process of State Commission on Judicial Conduct;	Sec. 33.028
	<b>Occupations Code</b>
Subject to rules developed by Commission on Law Enforcement;	Chapter 1701
	<b>Agriculture Code</b>
May assist in the enforcement of the Nursery Stock Act (diseased plants);	Sec. 71.049
Receive reports and impound, sell, or return animals according to estray act;	Secs. 142.001–142.014
May assist state entomologist to serve all papers, orders, summons, and writs.	Sec. 131.104
<b>5. FEES, COMPENSATION, AND FINANCIAL TRANSACTIONS</b>	
The county sheriff has duties related to the collection of fees, keeping accounts of the financial transactions of his office, and responsibilities in regard to the provisions and expenses of his office.	
	<b>Local Government Code</b>
Charge for account of judgments, fines, forfeitures, and penalties payable to and rendered in any court of the county;	Sec. 112.051
Must report collections (types and process described) to commissioners court; format for reporting collections;	Sec. 114.044
Keep accounts of fees, justice funds, fees of office, commissions (procedure described);	Sec. 114.041

DUTY/RESPONSIBILITY	AUTHORITY
<b>5. FEES, COMPENSATION, AND FINANCIAL TRANSACTIONS, continued</b>	
	<b>Local Government Code</b>
May not receive payment of fees and commission for services performed;	Sec. 154.004
Make monthly expense account report (type of transaction described);	Sec. 154.024
Compensation of sheriff for serving process issued by supreme court or court of appeals;	Sec. 118.132
Longevity pay for deputy sheriffs in counties of not less than 150,000;	Sec. 152.074
Allowed provision of insurance by commissioners court;	Secs. 157.041; 157.042
Maximum and minimum salaries for sheriff fixed by commissioners court;	Secs. 152.012; 152.071
Sheriff's accounts subject to examination by county auditor or treasurer;	Sec. 115.901
Accounting forms used by sheriff to be prescribed by county auditor;	Secs. 112.001; 112.002
Maintenance of petty cash fund;	Sec. 130.904
Budget for office of sheriff to be prepared by budget officer of county;	Secs. 111.003; 111.033; 111.063
	<b>Government Code</b>
Post fees of office for public inspection;	Sec. 603.008
Subject to authority of county courts to hear and determine all motions against officers of court for failure to pay over monies collected or defalcation of duty;	Sec. 26.048
	<b>Code of Criminal Procedure</b>
Overtime compensation paid for traveling or testifying in criminal trials paid by defendant.	Art. 102.011
Receive payments for reimbursement of confinement expenses of defendants convicted of misdemeanors.	Art. 42.038

DUTY/RESPONSIBILITY	AUTHORITY
<b>6. PAYMENT OF DEBTS AND SEIZURE OF PROPERTY</b>	
The sheriff has duties regarding the seizure of property for payment of debts and notice thereof.	
	<b>Transportation Code</b>
Seize license plates of persons who paid for registration fee by check without funds, if they refuse to redeem the check;	Sec. 502.193
	<b>Tax Code</b>
May give deed for land sold for delinquent taxes;	Sec. 34.01
	<b>Property Code</b>
Responsibilities and duties relating to property exempt from forced sale, and excess over homestead set apart;	Secs. 41.021–41.024
May convey real estate under judgment of sale;	Sec. 5.004
Shall notify landowner against whom execution is held of need to separate excess land from exempted homestead;	Sec. 41.021
Accept notice of separation from defendant in execution;	Sec. 41.022
May sell excess beyond exempted homestead;	Sec. 41.024
	<b>Texas Rules of Civil Procedure</b>
May sell seized perishable goods upon order of court;	Rule 600, 615, 710, 711
Make written return of such sale and pay proceeds to county clerk or justice of the peace;	Rules 604, 618
Make report concerning disposition of property;	Rule 607
Execute and return distress warrant.	Rules 610, 612, 613

DUTY/RESPONSIBILITY	AUTHORITY
<b>7. GENERAL WELFARE</b>	
The sheriff has miscellaneous duties related to the general welfare of the public.	
	<b>Local Government Code</b>
Serve on the salary grievance committee;	Sec. 152.014
May in counties of 1 million population enforce explosives regulations;	Chapter 235
	<b>Transportation Code</b>
Post notice of meeting regarding drainage system adjacent to public road;	Sec. 254.003
May confiscate illegally placed outdoor signs;	Sec. 393.003
	<b>Government Code</b>
Member of county board of emergency;	Sec. 431.072
	<b>Health and Safety</b>
May apply to justice court for a warrant to seize animals being treated cruelly;	Chapter 821
	<b>Agriculture Code</b>
Seize and impound animals and notify owner, if known; give proper notice and sell impounded animals at public auction;	Sec. 142.001 et seq.
	<b>Election Code</b>
Serve on election board;	Secs. 51.001–51.009
	<b>Code of Criminal Procedure</b>
Operate centralized sex offender registration office as designated by commissioners court;	Art. 62.0045
<b>8. SERVICE OF PROCESS AND NOTICES</b>	
The county sheriff serves a variety of judicial process and notices, provides for their return, collects fees for such services, and is responsible for property held or seized under such actions.	

DUTY/RESPONSIBILITY	AUTHORITY
<b>8. SERVICE OF PROCESS AND NOTICES, continued</b>	
	<b>Transportation Code</b>
Post notice of meeting regarding drainage system adjacent to county roads;	Sec. 254.003
	<b>Local Government Code</b>
Execute all process directed at him by legal authority (penalty for non-compliance);	Sec. 85.021
Execute process issued by commissioners court;	Sec. 81.022
Serve notice of termination of surety of public officials;	Chapter 88
	<b>Government Code</b>
Execute process issued by proper officer of any court martial in state military forces;	Sec. 432.188
Notify persons for jury service verbally or at direction of judge;	Secs. 62.013; 62.0131
Summon juror when insufficient number;	Sec. 62.015
	<b>Agriculture Code</b>
Seize and impound animals and notify owner, if known; give proper notice and sell impounded animals at public auction;	Sec. 142.001 et seq.
	<b>Water Code</b>
Notice of hearing for water improvement district (procedure described);	Sec. 55.026
	<b>Texas Rules of Civil Procedure</b>
General rules;	Rule 500.1 et seq.
Writs and process directed at sheriff or constable (form described);	Rules 15, 16, 17
Serve issued citations by means of publication;	Rules 116, 117
All civil process may be served by a sheriff of the county in which party to be served is found;	Rule 103
Execute subpoenas;	Rule 176.5
Carry out execution of judgment;	Rule 637
Execute and return writ of garnishment;	Rule 663
Serve temporary restraining orders;	Rules 688, 689
Execute writ of sequestration;	Rule 696 et seq.
Summon persons to complete jury;	Rule 225

DUTY/RESPONSIBILITY	AUTHORITY
<b>8. SERVICE OF PROCESS AND NOTICES, continued</b>	
	<b>Estates Code</b>
Serve notices and citations in probate matters, and return;	Sec. 51.051 et seq

## JUSTICE OF THE PEACE

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## **JUSTICE OF THE PEACE**

The justice of the peace is elected for a term of four years from each justice precinct in the county (a precinct may have more than one justice of the peace). The justice of the peace is the presiding officer of the justice court and the small claims court. The justice of the peace has jurisdiction over minor misdemeanor offenses (Class C), and in civil matters where the amount in controversy does not exceed \$10,000. A variety of civil process, as well as arrest and search warrants, can be issued by the justice of the peace. The justice of the peace also sits as judge of the small claims courts, in actions for the recovery of money, which does not exceed \$10,000.

The justice of the peace may also preside over hearings pertaining to suspension of driver licenses and conduct other hearings and inquests. The justice of the peace may conduct marriage ceremonies and serves as ex officio notary public for the precinct. The justice of the peace has administrative and financial duties concerning the keeping of records and fee and expense reports.

In November 1983, voters approved a constitutional amendment authorizing fewer justices of the peace in certain counties. The number of precincts in each county will be determined by the population according to the most recent federal census. The amendment of Article V, Section 18 of the Texas Constitution took effect January 1, 1984.

In addition, a manual on justice court procedures is published by the Justice Court Training Center at Southwest Texas State University, San Marcos, Texas.

DUTY/RESPONSIBILITY	AUTHORITY
<b>1. JUDICIAL RESPONSIBILITIES</b>	
The most important duties of the justice of the peace (JP) are judicial: holding justice court, acting as judge of small claims court, issuing a variety of process and writs in situations where justice court has jurisdiction, holding court for minor misdemeanor offenses, and assisting in evidence proceedings.	
	<b>Vernon's Revised Civil Statutes</b>
Examine witnesses upon application of the attorney general, district or county attorney, in relation to violation of labor act;	Art. 5202
	<b>Local Government Code</b>
May enforce regulation of use of aerial fireworks during drought conditions;	Sec. 352.051
	<b>Government Code</b>
Limits of jurisdiction of JP courts: amounts of which original jurisdiction not given to county or district courts not over \$10,000, exclusive of interest; forcible entry and detainer, foreclosure of mortgages, enforcement of liens on personal property, where amount is within their jurisdiction;	Sec. 27.031
Justice court, generally;	Chapter 27
Small claims court, generally;	Sec. 27.060
Hold term of justice court once a month for civil business; and hold regular term as prescribed by commissioners court, and may hold justice court from day to day for unfinished business or adjourn to a particular day; have place for holding court;	Sec. 27.051
Justice court clerk may maintain dockets, and index of court judgments;	Sec. 27.056
Arrange and keep all dockets, books, and papers of predecessor and all papers filed in any case for inspection of parties at interest; delivery upon demand;	Sec. 27.004
May not have jurisdiction in divorce, slander or defamation, trial to title of land, or enforcement of liens on land, and suits to recover penalties, forfeitures, and escheats on behalf of the state;	Sec. 27.031

**JUSTICE OF THE PEACE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. JUDICIAL RESPONSIBILITIES, continued</b>	
	<b>Government Code</b>
May not issue writs of injunction for deed restrictions;	Sec. 27.034
Enforce residential subdivision deed restriction;	Sec. 27.034
Order sheriff or constable to summon sufficient number of jurors;	Secs. 62.411; 62.412
Pay of jurors in justice court;	Sec. 61.001
May not preside in cases in which he has an interest or where related to either of the parties;	Sec. 21.005
Issue writs of sequestration, garnishment, attachment within limits of jurisdiction;	Sec. 27.032
Proceed with unfinished business;	Sec. 27.033
	<b>Property Code</b>
Has jurisdiction in cases arising out of forcible entry and detainer;	Sec. 24.004
Receive application for and issue distress warrant;	Secs. 54.006; 54.025
	<b>Government Code</b>
Justice court jurisdiction to enforce deed restrictions in residential subdivisions;	Sec. 27.034
	<b>Texas Family Code</b>
May conduct marriage ceremonies;	Sec. 2.202
	<b>Texas Code of Criminal Procedure</b>
Jurisdiction of justice court defined to include offenses punishable by fine or other sanction not requiring confinement or imprisonment;	Art. 4.11
Keep criminal docket of trials;	Art. 45.017
May maintain criminal docket by use of electronic data processing equipment;	Art. 45.017
May issue warrant for arrest for criminal offense committed in his presence (which he has jurisdiction to try);	Art. 45.103
Shall issue warrant of arrest upon proper form of complaint;	Art. 45.014
Issue writ to summon jury for criminal matters in which a jury trial is desired;	Art. 45.027
May adjourn in the event of criminal mistrial;	Art. 45.035

**JUSTICE OF THE PEACE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. JUDICIAL RESPONSIBILITIES, continued</b>	
	<b>Texas Code of Criminal Procedure</b>
May order party demanding trial and not appearing to pay costs;	Art. 45.026
Order autopsy as requested by district attorney, criminal district attorney, or county attorney;	Art. 49.10
Conduct inquests;	Chapter 49
May defer proceedings against minor student who attends teen court;	Art. 45.052
	<b>Civil Practice &amp; Remedies Code</b>
May order party demanding civil jury trial and failing to appear to pay cost of impaneling jury;	Sec. 30.008
	<b>Texas Rules of Civil Procedure</b>
May cause notice of publication for summoning party for interrogatories; may take answers to interrogatories upon appearance of witness and certify contents (function as notary); may receive return of depositions.	Rule 200.1 et seq.
<b>2. MISCELLANEOUS JUDICIAL DUTIES</b>	
The justice of the peace has various miscellaneous duties related to the judicial function.	
	<b>Occupations Code</b>
May conduct hearing to determine whether probable cause existed for the towing and storage of a motor vehicle without the owner's consent;	Sec. 2308.451 et seq.
	<b>Transportation Code</b>
May conduct hearing concerning financial responsibility under the Motor Vehicle Safety Responsibility Law;	Chapter 601
Has jurisdiction to hold hearing to determine if driver's license should be revoked or suspended; reports findings to the Department of Public Safety;	Sec. 521.291 et seq.

DUTY/RESPONSIBILITY	AUTHORITY
<b>2. MISCELLANEOUS JUDICIAL DUTIES, continued</b>	
	<b>Transportation Code</b>
May receive fine from ferry owners for failure to post rates and excessive rates, on complaint of any person;	Sec. 342.303 et seq.
Must report traffic fatalities to TxDOT in absence of medical examiner's office;	Sec. 550.081
	<b>Government Code</b>
May administer and certify oaths and affidavits;	Chapter 602
	<b>Health and Safety Code</b>
May receive referral for inquest into cause of death;	Sec. 193.005
Permit removal of organs of deceased persons upon qualified request of organ procurement organization;	Sec. 693.002
Under certain conditions, may permit the taking of body parts and body tissue for transplant or other therapy;	Chapter 693
	<b>Property Code</b>
Make and return abstract of judgment lien rendered in JP court;	Secs. 52.002–52.003
Make complete transcript of judgment in cases of execution or order of sale issuing out of justice court, certify correctness, and submit to county clerk for recording;	Sec. 12.015
	<b>Education Code</b>
May receive complaint from attendance officers for violation of compulsory school attendance law;	Sec. 25.091 et seq.
	<b>Texas Rules of Civil Procedure</b>
May order sale of seized perishable goods, when necessary.	Rules 600, 615, 710, 711

**JUSTICE OF THE PEACE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. DESCRIPTION OF OFFICE AND REGULATION OF JUSTICE COURTS</b>	
The justice of the peace is subject to various statutes concerning the conditions and requirements of the office, liabilities for failure to perform duties, and regulation of justice courts.	
	<b>Local Government Code</b>
Subject to immediate removal from office for conviction of official misconduct;	Sec. 87.031
May be removed from office by district judge for incompetence, official misconduct, intoxication, after trial;	Sec. 87.011 et seq.
Commissioners court divides counties into precincts for the election of JPs;	Secs. 81.021; 71.022
Vacancy filled by commissioners court;	Sec. 87.041
Must be notified if sureties relieved from bond;	Sec. 88.003
Requirement of new bond or additional security;	Sec. 88.007
	<b>Government Code</b>
Business may be conducted by first assistant or chief deputy when physical vacancy occurs in public office until vacancy is filled;	Sec. 601.002
Designation of time and place of holding justice court;	Sec. 27.051
Place in courthouse for JP court to be provided by commissioners court in any city over 75,000;	Sec. 27.051
Responsible for office records, dockets, books, or papers;	Sec. 27.004
Bond required; all monies coming into office to be turned over to person entitled;	Sec. 27.001
The JP is commissioned as justice of the peace of his precinct and ex officio notary public;	Sec. 27.002
The nearest JP may perform duties temporarily for vacancy, absence, or unwillingness of a JP;	Sec. 27.052
May not sit in a case if either of the parties is related by affinity or consanguinity within the third degree;	Sec. 21.005
May exchange benches within a county;	Sec. 27.054

**JUSTICE OF THE PEACE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. DESCRIPTION OF OFFICE AND REGULATION OF JUSTICE COURTS, continued</b>	
	<b>Government Code</b>
Temporary JP may be appointed by county judge if regular justice is disqualified or temporarily unable to perform duties;	Sec. 27.055
Must continue education if not a licensed attorney;	Sec. 27.005
Sureties for bond required of each county officer;	Chapter 604
	<b>Texas Constitution</b>
Vacancies in judicial offices;	Art. V, Sec. 28
Transition from two-year to four-year term of office;	Art. XVI, Sec. 65
Holding more than one office, exceptions;	Art. XVI, Sec. 40
Compensation on a salary basis.	Art. XVI, Sec. 61
<b>4. FINANCIAL DUTIES AND TRANSACTIONS</b>	
The justice of the peace has duties related to the collection of fees, keeping account of the financial transactions of the office, and responsibilities in regard to the provisions, expenses, and compensation of the office.	
	<b>Local Government Code</b>
Keep account of fees earned and have it examined by county auditor;	Sec. 114.041
Make sworn statement of expenses at end of month;	Sec. 153.003
Make payment to Officers Salary Fund (General Fund) by end of month;	Secs. 113.021; 154.001 et seq.
Report collections of fines, judgments, and jury fees to commissioners court;	Sec. 114.044
Accounts, dockets, and records of JP to be examined by county auditor or treasurer and reported to commissioners court;	Sec. 115.901
Duties for which fees must be collected listed;	Sec. 118.121–118.1235

**JUSTICE OF THE PEACE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. FINANCIAL DUTIES AND TRANSACTIONS, continued</b>	
	<b>Local Government Code</b>
May receive certain fees in addition to salary;	Sec. 154.005
Telephones, offices, furniture, and supplies will be furnished by commissioners court; if caseload is significant, courtrooms may be furnished;	Sec. 291.004
Additional office buildings housing justice courts to be located in justice precinct by commissioners court;	Sec. 292.001
JP salaries fixed by commissioners court;	Sec. 152.011 et seq.
Fees collected for marriage ceremonies not counted as fees of office;	Sec. 154.005
Not entitled to fee for examination or filing of papers or records, motions for security of costs, or handling bonds;	Sec. 118.124
Comply with financial statement reporting requirements;	Chapter 159
	<b>Government Code</b>
Keep fee book subject to all inspection;	Sec. 603.006
Keep fees posted in office;	Sec. 603.008
	<b>Parks and Wildlife Code</b>
Transmit fines collected for violations of wildlife regulations to Texas Parks and Wildlife Department.	Sec. 12.107



# CONSTABLE

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## CONSTABLE

The constable is elected to a constitutionally created office (Tex. Const. Art. V, Sec. 18) for four years within each justice precinct. The constable is an authorized peace officer and is the chief process server of the justice court. The constable has statewide jurisdiction to execute any criminal process, and countywide jurisdiction to execute any civil process. The constable may also execute process issued by some state agencies.

The constable also has duties related to keeping accounts of the financial transactions of the office and is responsible for property seized or money collected by court order.

In November 1983, voters approved a constitutional amendment authorizing fewer constable precincts in certain counties. The number of justice of the peace and constable precincts in each county is to be determined by the population according to the most recent federal census. The amendment of Article V, Section 18 of the Texas Constitution took effect January 1, 1984.

**CONSTABLE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Local Government Code</b>
Effect of boundary change term of office;	Secs. 81.021; 86.001
Bond with sureties required to take office;	Sec. 86.002
May be removed from office for failure to give new bond when required;	Sec. 86.003
Must maintain permanent peace officer license status while in office;	Sec. 86.0021
Office no longer deemed vacant for failure or refusal to give bond and take oath;	Sec. 86.002
Vacancy filled by commissioners court;	Sec. 87.041
Removal from office by district judge for incompetence or official misconduct;	Secs. 87.012–87.014
Complete unfinished business of predecessor;	Sec. 86.025
Commissioners court divide county into precincts for election of constable;	Secs. 81.021; 71.022
	<b>Government Code</b>
Temporary justice of the peace may be appointed if office holder temporarily unable to perform duties;	Sec. 27.055
	<b>Texas Constitution</b>
Transition from two-year to four-year term;	Art. XVI, Sec. 65
Elected in justice precinct for four years;	Art. V, Sec. 18
	<b>Civil Practice and Remedies Code</b>
Liable for damages resulting from neglect of duties.	Sec. 7.001
<b>2. SERVICE OF PROCESS</b>	
The constable is the chief process server of the justice of the peace court, serves a variety of judicial processes and notices, and is responsible for property seized under such actions.	

DUTY/RESPONSIBILITY	AUTHORITY
<b>2. SERVICE OF PROCESS, continued</b>	
	<b>Local Government Code</b>
Shall execute and return all processes, warrants, and precepts directed by lawful officers; attend upon all justice courts in his precinct;	Sec. 86.021
May serve eviction notices out of uniform as a private process server.	Sec.154.005(d)
May execute any civil or criminal process, throughout county and otherwise;	Sec. 86.021
Subject to fine for contempt (fine for benefit of party injured) for failure or refusal to execute or return process;	Sec. 86.024
Responsible on his bond for failure to pay money collected;	Sec. 86.023
Execute process issued by commissioners court;	Sec. 81.022
Serve notice of termination of surety of public officials;	Sec. 88.003
	<b>Government Code</b>
Execute process issued by proper officer of any court martial in state military forces;	Sec. 432.188
Summon jurors for justice court in counties of 2.8 million;	Sec. 62.411
	<b>Agriculture Code</b>
Seize and impound animals and notify owner, if known; give proper notice and sell impounded animals at public auction;	Sec. 142.001 et seq.
	<b>Civil Practices and Remedies Code</b>
Subject to suit within five years for not returning execution;	Sec. 16.007
	<b>Texas Rules of Civil Procedure</b>
All civil process may be served by a constable (or sheriff) of the county in which party to be served is found;	Rule 103
Writs and process directed at constable or sheriff (form);	Rules 15, 16, 17
Serve issued citation by means of publication;	Rules 116, 117

**CONSTABLE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. SERVICE OF PROCESS, continued</b>	
	<b>Texas Rules of Civil Procedure</b>
Serve and return temporary injunction;	Rules 688, 689
Execute subpoenas;	Rule 176 et seq.
Summon persons to complete jury;	Rule 504.2
May sell perishable, seized personal property upon order of justice of the peace;	Rule 600
Make written return of such sale and pay proceeds to county clerk or justice of the peace;	Rule 604
Make report concerning disposition of property;	Rule 607
Execute and return distress warrant;	Rule 610 et seq.
Sell perishable property seized under distress warrant or writ of sequestration;	Rules 615, 710
Make written return of such;	Rule 618
Carry out execution of judgment;	Rule 637
Execute and return writ of garnishment;	Rule 663
Execute writ of sequestration;	Rule 699
	<b>Estates Code</b>
Serve and return notices and citations in probate matters;	Sec. 51.051 et seq
<b>3. LAW ENFORCEMENT DUTIES</b>	
The constable has several law enforcement duties as peace officer.	
	<b>Local Government Code</b>
May assist other law enforcement officers under interlocal agreements;	Secs. 362.001; 362.002; 362.003
	<b>Transportation Code</b>
May confiscate illegally placed outdoor signs;	Sec. 393.003

**CONSTABLE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. LAW ENFORCEMENT DUTIES, continued</b>	
	<b>Transportation Code</b>
May enforce state traffic regulations;	Chapter 541 et seq.
Must display badge before enforcing traffic laws;	Sec. 720.001
Designation by commissioners court of constable or deputy as a weight enforcement officer for county roads;	Sec. 621.4015
	<b>Health and Safety Code</b>
May obtain warrant to impound cruelly-treated animals;	Chapter 821
	<b>Parks and Wildlife Code</b>
Assist federal government with law enforcement in parks and recreational areas owned by Army;	Sec. 11.019 note
	<b>Texas Code of Criminal Procedure</b>
May arrest without warrant for felonies or offenses against public peace committed in his view;	Art. 14.01
May arrest without a warrant by order of magistrate for offenses committed in magistrate's view;	Art. 14.02
May request prosecuting attorney to seek judicial approval of interception of certain communications;	Art. 18.21
	<b>Penal Code</b>
May seek prosecution for interference (other than speech) with the exercise of official duties;	Sec. 38.15
May seek prosecution for taking a firearm from a peace officer.	Sec. 38.14
<b>4. PERSONNEL DUTIES</b>	
The constable has duties regarding other county personnel.	

**CONSTABLE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>4. PERSONNEL DUTIES, continued</b>	
	<b>Local Government Code</b>
Apply to commissioners court for deputies, assistants, or clerks (appointment, salaries described);	Sec. 151.001 et seq.
May appoint deputy constables (with application to commissioners court);	Sec. 86.011
Responsible for official acts of deputies and may require bond and security;	Sec. 86.011
Shall not incur liability for personal injury of reserve deputy constable;	Sec. 86.012
May be authorized by commissioners court to appoint reserve deputy constables (number may be limited by court);	Sec. 86.012
Complete unfinished business of predecessor;	Sec. 86.025
	<b>Government Code</b>
May adjourn court (at default of sheriff) if county judge fails to appear;	Sec. 26.003
Benefits and financial assistance for survivors of peace officers killed in line of duty;	Chapter 615
May purchase firearm from county upon honorable retirement;	Chapter 614
Provide court security officers.	Chapter 158
<b>5. STATE AGENCIES</b>	
The constable has duties and responsibilities related to state agencies.	
	<b>Occupations Code</b>
Subject to standards developed by the Commission on Law Enforcement;	Sec. 1701.003
	<b>Government Code</b>
Made associate member of Texas Department of Public Safety;	Sec. 411.009
Cooperate with director of public safety in crime prevention and public safety;	Sec. 411.009
Comply with order for cooperation from director of public safety;	Sec. 411.009
Execute process issued by proper officer of any court martial in state military forces;	Sec. 432.188

**CONSTABLE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>5. STATE AGENCIES, continued</b>	
	<b>Government Code</b>
Serve process and execute orders of State Commission on Judicial Conduct;	Sec. 33.028
	<b>Agriculture Code</b>
May assist in the enforcement of the Nursery Stock Act (diseased plants);	Sec. 71.049
May assist state entomologist to serve all papers, orders, summons, and writs;	Sec. 131.104
	<b>Natural Resources Code</b>
Execute all processes issued by the Texas Railroad Commission.	Sec. 81.092
<b>6. RECORDKEEPING, COMPENSATION, AND FINANCIAL TRANSACTIONS</b>	
The constable has duties related to keeping accounts of the financial transactions of his office, collecting fees, and compensation.	
	<b>Local Government Code</b>
Accounting forms used by constable to be prescribed by county auditor;	Secs. 112.001;112.002
Constable's accounts subject to examination by county auditor or treasurer;	Sec. 115.901
Make settlement of accounts and fees collected into salary fund (general fund);	Sec. 154.001 et seq.
Keep a correct statement of all fees, deposits, and trust funds;	Sec. 114.041
Entitled to charge expenses for conduct of office;	Secs. 154.024; 154.044
Itemize fees charged for person chargeable;	Sec. 118.131 et seq.
	<b>Vernon's Revised Civil Statutes</b>
May receive reduced transportation rate for official business;	Art. 4015d



**CONSTABLE**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>6. RECORDKEEPING, COMPENSATION, AND FINANCIAL TRANSACTIONS, continued</b>	
	<b>Government Code</b>
Post complete list of fees in office;	Sec. 603.008
Liable to aggrieved party for excessive fees charged;	Sec. 603.010
	<b>Texas Constitution</b>
Constables to be compensated on salary basis;	Art. XVI, Sec. 61
	<b>Texas Code of Criminal Procedure</b>
Keep fee book.	Art. 103.009

# COUNTY ATTORNEY

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## **COUNTY ATTORNEY**

The county attorney is elected from each county in which there is not resident criminal district attorney. A county attorney serves a term of four years. The duties of the county and district attorney may frequently coincide. In some counties, the county attorney is the chief prosecuting officer for the county courts. The county attorney usually handles only criminal misdemeanor cases, as well as civil suits affecting the county and other matters such as child support cases, revocation of probation, bond forfeitures, and commitment proceedings. The district attorney prosecutes felony cases in district court and represents state agencies, when requested to do so by the Attorney General's Office, in initiating court proceedings. However, this division of duties may vary; the district attorney may prosecute misdemeanor cases, and a county attorney may appear in district court.

The county attorney is the chief legal advisor to the county. The county attorney's office generally handles county requests for legal opinions from the Attorney General's Office. The county attorney may also represent the county in suits affecting payment of taxes and eminent domain.

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Local Government Code</b>
Subject to removal for failure to give bond;	Sec. 87.014
Maintain office at county seat; keep all original records;	Sec. 291.002
Vacancy filled by commissioners court;	Sec. 87.041
May be removed from office by district judge for cause;	Secs. 87.012; 87.013
	<b>Government Code</b>
Physical vacancy to be filled by first assistant until election or appointment of new officer;	Sec. 601.002
Legislation concerning creation of county attorneys, their salaries, expenses, and bond;	Chapters 41 and 45
Execute bond with sureties (depositing and recording);	Sec. 45.001
Compensation and duties of assistants;	Sec. 41.106
Appointment of investigators;	Sec. 41.109
Employment and qualifications of assistants and other personnel for prosecuting (county) attorney;	Secs. 41.102; 41.103
Shall not receive rewards, gifts, fees from any person to prosecute;	Sec. 41.004
Completion of continuing education requirements regarding disclosure of exculpatory or mitigating evidence;	Sec. 41.111
Admissions made by county attorney in any suit or action to which the state is a party shall not prejudice rights of state;	Sec. 41.003
May participate in retirement system for county employees;	Chapters 841-845
General provisions;	Chapter 41
County attorneys, generally;	Chapter 45
	<b>Texas Code of Criminal Procedure</b>
Duties of county attorney;	Art. 2.02
Present information to court regarding neglect or failure of duty of any officer;	Art. 2.03
Draw up complaints about offenses committed in county to be sworn to by complaint;	Art. 2.04
May administer oaths (for complaints made);	Art. 2.06
Attorney pro tem may be appointed by judge of court for county attorney disqualified or absent from county;	Art. 2.07

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE, continued</b>	
	<b>Texas Code of Criminal Procedure</b>
May not counsel adversely to the state in any case;	Art. 2.08
May seek forfeiture of assets proved to be criminal contraband.	Chapter 59
<b>2. ADMINISTRATIVE AND ADVISORY DUTIES</b>	
The county attorney has certain administrative and advisory duties not directly related to his public prosecuting and judicial functions.	
	<b>Local Government Code</b>
Keep statement of all fees, deposits, and trust funds to be examined by county auditor (or commissioners court);	Sec. 114.041
May represent county officials and employees in suits affecting official duties;	Secs. 157.901; 157.9015
May bid for and sell state property;	Sec. 270.002
May assist a county or regional housing authority;	Sec. 392.040
Assist county park board, if one created;	Sec. 320.048
Representation of state in actions to remove county officials from office; heard in district court;	Chapter 87
	<b>Occupations Code</b>
May seek to enjoin unlawful raffles;	Chapter 2002
	<b>Civil Practice and Remedies Code</b>
Right to bring action to enjoin violations of revenue laws;	Sec. 65.016
Prosecution of common and public nuisances;	Chapter 125
	<b>Education Code</b>
Repayment assistance by state coordinating board for law school loans of prosecutors in rural counties;	Sec. 61.9601 et seq.

**COUNTY ATTORNEY**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. ADMINISTRATIVE AND ADVISORY DUTIES, continued</b>	
	<b>Transportation Code</b>
Represent county in suits against drivers for damages to county roads (when road closed to traffic);	Sec. 251.160
May exempt vehicles from identification requirement;	Sec. 721.005
File suit for collection of drainage assessments against any land or landowner;	Sec. 254.017
	<b>Government Code</b>
Assist Attorney General in nepotism suits involving removal of officers;	Sec. 573.082
Request legal opinions from Attorney General (concerning county business);	Sec. 402.043
Keep proper books of official acts and reports open to inspection by the governor's office or commissioners court;	Sec. 41.008
Pay all money collected for state or county into treasury of state or county and file report of all money received in office yearly with comptroller or county treasurer;	Sec. 41.005
Upon request, give legal opinion in writing to any county officer concerning official duties;	Sec. 41.007
Institute proceedings to prosecute any county officer for neglect or abuse of duties over public funds;	Sec. 41.009
Report information to Attorney General concerning criminal matters and interests of state in county;	Sec. 41.006
Allow to continue in office if mobilized or deployed by the military;	Sec. 41.015;
	<b>Tax Code</b>
May, if requested, represent the county to enforce collection of delinquent taxes;	Sec. 6.30(a)
	<b>Property Code</b>
Authority to enforce subdivision deed restrictions, in counties with a population of 200,000 or more;	Chapter 203

DUTY/RESPONSIBILITY	AUTHORITY
<b>2. ADMINISTRATIVE AND ADVISORY DUTIES, continued</b>	
	<b>Penal Code</b>
Authority to carry concealed handgun;	Sec. 46.15
Prosecution of criminal offenses of public bribery, corrupt influence, obstructing governmental operations, abuse of official capacity, official oppression, and misuse of official information;	Chapters 36, 38, 39
	<b>Business and Commerce Code</b>
Lend assistance to consumer protection division of Attorney General's Office and receive assistance from them.	Sec. 17.48

# DISTRICT ATTORNEY

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## **DISTRICT ATTORNEY**

The district attorney is elected from a judicial district for four years. The district attorney is primarily an attorney for the state and attends the state district court, although not exclusively. The district attorney may represent various state agencies when the Attorney General does not do so. In addition, the district attorney may assist the Attorney General's Office in enforcing the rule and regulations of state agencies and the conduct of state officials (for example, the Public Integrity Unit in Travis County).

In some counties, the duties of the district attorney are centered primarily on prosecution of felony criminal offenses; in others, the district attorney may be responsible for civil suits concerning the state, as well as misdemeanor offenses. The district attorney also has an advisory function in regard to county and state officials. The various statutes regulating the prosecuting and judicial duties of the district attorney, as well as the court-related functions regarding state agencies, are outside the scope of this guide.

**DISTRICT ATTORNEY**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Local Government Code</b>
Subject to removal for failure to give bond;	Sec. 87.014
May be removed from office by district judge;	Secs. 87.012; 87.013
Venue of proceedings against district attorney;	Sec. 87.015
Special counsel may be employed in counties of more than 1.25 million;	Sec. 89.001
	<b>Government Code</b>
Physical vacancy to be filled by first assistant until election or appointment of new officer;	Sec. 601.002
Creation of the offices of district attorney and criminal district attorney in judicial districts and legislation regarding salaries, expenses, and bond;	Chapters 43 and 44
Compensation for staff;	Sec. 41.106
May remove assistants;	Sec. 41.105
Receive no salary for time of failure to attend court;	Sec. 43.003
Qualifications of district attorney and employment of assistants;	Secs. 41.001–41.109
Shall not receive rewards, gifts, fees from any person for prosecution;	Sec. 41.004
Admissions made by district attorney in any suit or action to which the state is a party shall not prejudice rights of the state;	Sec. 41.003
Participate in retirement system for state employees;	Sec. 812.002
General provisions;	Chapter 41
District attorneys, generally;	Chapter 43
Criminal district attorneys, generally;	Chapter 44
Professional prosecutors;	Chapter 46
Secure self-insured coverage in lieu of official bond where authorized;	Sec. 43.002
	<b>Code of Criminal Procedure</b>
Duties of district attorney;	Art. 2.01
May not be counsel adversely to the state in any case;	Art. 2.08
Use of forfeiture fund consisting of criminal contraband.	Chapter 59

DUTY/RESPONSIBILITY	AUTHORITY
<b>2. ADMINISTRATIVE DUTIES</b>	
The district attorney has certain administrative duties not directly related to his public prosecuting and judicial functions.	
	<b>Local Government Code</b>
Shall make report to commissioners court on fees collected;	Sec. 114.044
Accounting regulations to be used by district attorney prescribed by county auditor in counties of 190,000 population;	Sec. 112.002
May represent county officials and employees;	Sec. 157.901
May bid for and sell state property;	Sec. 270.002
May make purchase in conformance with county purchasing laws;	Sec. 140.003
Purchasing and financial accounting requirements as a "specialized local entity";	Sec. 140.003
	<b>Occupations Code</b>
May seek to enjoin unlawful raffles;	Sec. 2002.058
	<b>Education Code</b>
Repayment assistance by state coordinating board for law school loans of prosecutors in rural counties;	Sec. 61.9601 et seq.
	<b>Government Code</b>
Shall assist Attorney General in nepotism quo warranto proceedings whenever ordered to do so;	Sec. 573.082
Receive advice from Attorney General upon request;	Sec. 402.043
Notification of Attorney General after election;	Sec. 41.002
Keep proper books of official acts and reports open to inspection by the governor's office or commissioners court;	Sec. 41.008
Pay money collected into state or county treasury and file reports in office of comptroller yearly for all monies received by his office;	Sec. 41.005
Give legal opinions in writing to county or precinct officers regarding their official duties;	Sec. 41.007

DUTY/RESPONSIBILITY	AUTHORITY
<b>2. ADMINISTRATIVE DUTIES, continued</b>	
	<b>Government Code</b>
Report to the Attorney General, when required, information about criminal matters and interests of state in his district;	Sec. 41.006
Institute proceedings against any officer of county abusing or neglecting duties over public funds;	Sec. 41.009
Allow to continue in office if mobilized or deployed by the military;	Sec. 41.015
	<b>Penal Code</b>
Authority to carry concealed handgun;	Sec. 46.15
Prosecution of criminal offenses of public bribery, corrupt influence, obstructing governmental operations, abuse of official capacity, official oppression, and misuse of official information;	Chapters 36, 38, 39
	<b>Texas Code of Criminal Procedure</b>
Present information to court regarding neglect or failure of duty of any officer;	Art. 2.03
Draw up complaints about offenses committed in district to be sworn to by complainant;	Art. 2.04
May administer oaths (for complaints made);	Art. 2.06
May seek forfeiture of criminal contraband assets;	Chapter 59
Comply with authorized expenditure of forfeiture fund, to include office equipment, supplies, training, witness costs, etc.;	Art. 59.06
Attorney pro tem may be appointed by judge of court for district attorney disqualified or absent from district;	Art. 2.07
	<b>Tax Code</b>
May, if requested, represent the county to enforce collection of delinquent taxes;	Sec. 6.30(a)

DUTY/RESPONSIBILITY	AUTHORITY
<b>2. ADMINISTRATIVE DUTIES, continued</b>	
	<b>Business and Commerce Code</b>
Lend assistance to consumer protection division of Attorney General's Office and receive assistance from them;	Sec. 17.48
	<b>Civil Practice and Remedies Code</b>
Right to bring action to enjoin violations of revenue laws.	Sec. 65.016

# COUNTY AUDITOR

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## **COUNTY AUDITOR**

The county auditor is appointed by the district judge or judges in counties with a population over 10,200 (Local Government Code, Sec. 84.002). The following duties and responsibilities of the county auditor are arranged according to several categories. The first category includes a few miscellaneous statutes related to the general description of the office. The second category covers those statutes related to the auditor's budgetary functions.

The auditor serves as a check on the financial operations of other county offices and has certain financial accounting and recordkeeping responsibilities, as well as certain duties related to the operation of improvement districts.

**COUNTY AUDITOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Local Government Code</b>
Auditors for counties over or under 10,200;	Sec. 84.002
Joint auditors for other counties;	Sec. 84.008
Qualification of auditor includes, good moral character and intelligence, competent business ability, and two years experience as accountant;	Sec. 84.006
Must take oath and make bond within 20 days of appointment;	Sec. 84.007
May appoint assistants and organize office with consent of district judge;	Sec. 84.021
Gets mileage for use of personal car in connection with county business;	Sec. 152.035
Salary set by district judges; not to exceed salary of highest paid elected county official;	Secs. 152.031; 152.032
May have salary set by district judges following public hearing;	Sec. 152.905
Term of office is two years; term begins on January 1 of each odd numbered year (bracket legislation).	Secs. 84.004; 84.005
<b>2. FINANCIAL OPERATION OF COUNTY OFFICES</b>	
The county auditor serves as a check on the financial operations of other county offices.	
	<b>Local Government Code</b>
Serve as a check on treasurer in recordkeeping of deposit of funds and examining reports to commissioners courts on finances; count or examine money or accounts on deposit with treasurer on occasion without notice;	Sec. 115.003
Relieve county clerk of duties;	Sec. 112.009
Request and receive reports or other financial information from other county officials;	Sec. 114.003
Appointment of assistants;	Sec. 84.021
Public hearing conducted by district judge before setting salary of auditor and assistants;	Sec. 152.905
Determination of compensation and expenses;	Sec. 152.031 et seq.



**COUNTY AUDITOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. FINANCIAL OPERATION OF COUNTY OFFICES, continued</b>	
	<b>Local Government Code</b>
Have general oversight of all books and records of the county related to collection of money and responsible for strict enforcement of laws governing county finances;	Sec. 112.006
Have access to all financial accounts of other officers and the commissioners court to determine correctness of same;	Sec. 115.001
May not approve order for payment to a person owing the state or county money;	Sec. 154.045
Examine all reports on collection of money made to the commissioners court;	Sec. 115.002
May examine accounts, dockets, and records of JP's constables, sheriffs, and tax collector;	Sec. 115.901
Keep records from copies of warrants issued for deposit in county treasury;	Sec. 113.023
Examine and approve all claims, bills, and accounts against the county before submission to commissioners court;	Sec. 113.064
Adhere to statutory requisites for approval of claims;	Sec. 113.065
Keep account of all monies accruing to offices and examine such accounts of other county officials;	Sec. 114.041
May audit all accounts of county and district official including forfeitures;	Sec. 115.0035
Conduct of independent audits;	Secs. 115.031 et seq; 115.041 et seq.
Maintain current audit of all money and funds of Board of Park Commissioners;	Sec. 320.043
Shall, with approval of the commissioners court, establish a procedure for administering an electronic funds transfer system for the payment of salaries, compensation, and reimbursement to officers and employees;	Sec. 156.001
	<b>Human Resources Code</b>
Audit collections and disbursements of money made by certain juvenile probation officers;	Chapter 152

**COUNTY AUDITOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. FINANCIAL OPERATION OF COUNTY OFFICES, continued</b>	
	<b>Tax Code</b>
Refund erroneous overpayment of taxes.	Sec. 31.11
<b>3. RECORDKEEPING</b>	
The county auditor has certain recordkeeping responsibilities.	
	<b>Local Government Code</b>
Keep a register of all orders for payment issued by judges or clerks on county treasury;	Sec. 113.046
Keep account for officers collecting funds and in so doing relieve county clerk of keeping finance ledger;	Sec. 112.005
Maintain general set of books showing all transactions of county relating to accounts, contracts, indebtedness, receipts, and disbursements;	Sec. 112.007
Receive report of receipts and disbursements of private business operations on public property;	Sec. 291.006
Make monthly and annual report to commissioners court and to district judge;	Sec. 114.025
Prescribe system of accounting; determine time and manner for reports;	Secs. 112.002; 114.002
Keep records from copies of warrants issued for deposits in county treasury;	Sec. 113.023
Act as purchasing agent in certain counties;	Sec. 262.012 et seq.
Keep account of all monies accruing to office and examine such accounts of other county officials;	Sec. 114.041
Responsible for equipment and personnel records in counties over 500,000 (includes employees of flood control district);	Sec. 151.903
Make payroll deductions for authorized purpose on request;	Sec. 155.001 et seq
Place interest from registry funds in general fund;	Sec. 117.054
Maintain payroll records for county officers who elect not to be paid for their services;	Secs. 152.051; 152.052

**COUNTY AUDITOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>3. RECORDKEEPING, continued</b>	
	<b>Local Government Code</b>
May accept affidavit from county officials elected on a platform advocating abolishment of office.	Sec. 152.052
<b>4. SUPERVISION OF IMPROVEMENT DISTRICTS</b>	
The county auditor has certain responsibilities over the finances of various improvement districts.	
	<b>Local Government Code</b>
Relieve county clerk of duties;	Sec. 112.009
Responsible for equipment and personnel records in counties over 500,000 including flood control districts;	Sec. 151.903
Access to special district records whose budget is approved by commissioners court.	Sec. 115.0036
<b>5. MISCELLANEOUS BUDGET--RELATED DUTIES</b>	
In certain counties the auditor has budget-related responsibilities.	
	<b>Local Government Code</b>
Prepare estimate of revenues and expenses for commissioners court for budget purposes;	Sec. 111.033
Serve as budget officer in counties over 225,000 and certify to commissioners court receipt of all public or private grant or aid money;	Sec. 111.032 et seq.
May assist county judge in preparation of budget (counties of 225,000 or less).	Sec. 111.003

# COUNTY SURVEYOR

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## **COUNTY SURVEYOR**

The county surveyor is elected in a general election for a term of four years to maintain the survey records of the county. The county surveyor usually receives no salary, but may be compensated on a fee basis (Tex. Const. Art. XVI, Sec. 61) and may receive office space. If the person is a duly registered and licensed state land surveyor, he may have responsibilities outside the county. Many counties in Texas do not have an elected county surveyor but may appoint a licensed surveyor to fill those duties.

**COUNTY SURVEYOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>1. DESCRIPTION OF OFFICE</b>	
	<b>Local Government Code</b>
Vacancy filled by commissioners court;	Sec. 87.041
May be removed for failure to give bond;	Sec. 87.014
May be removed from office by district judge, for cause;	Sec. 87.012
Fees of county surveyor for services listed;	Sec. 118.161
	<b>Occupations Code</b>
Election eligibility;	Sec. 1071.254
If acting as state land surveyor, must be duly registered, licensed, or exempted in order to practice state land surveying;	Sec. 1071.251
A licensed surveyor may have jurisdiction outside county, although elected county surveyor;	Sec. 1071.357
Field notes of licensed surveyor in any county are admissible as are field notes of county surveyor;	Sec. 1071.359
A licensed surveyor may perform the duties of county surveyor if elected;	Sec. 1071.357
	<b>Natural Resources Code</b>
Must be registered professional land surveyor;	Sec. 23.011
Reside in county;	Sec. 23.012
Execute bond, amount fixed by commissioners court;	Sec. 23.013
Locate office at courthouse or other building in county seat;	Sec. 23.016
	<b>Texas Constitution</b>
Hold office for four years.	Art. XVI, Secs. 44, 65
<b>2. EXAMINATION AND RECORDING OF SURVEYS AND RECORDS</b>	
The county surveyor has duties related to the examination and recording of field notes, surveys, and plats in his county, and receiving applications for the right to prospect in certain areas.	

**COUNTY SURVEYOR**

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. EXAMINATION AND RECORDING OF SURVEYS AND RECORDS, continued</b>	
	<b>Local Government Code</b>
Appointment of surveyor to run a sufficiently definite county line;	Sec. 72.001 et seq.
	<b>Occupations Code</b>
May provide regulations for examination of survey records by any licensed surveyor;	Sec. 1071.361
	<b>Natural Resources Code</b>
Shall perform duties required by law;	Sec. 23.051
Receive and examine all field notes of surveys in county for which patents are obtained; certify and record them;	Sec. 23.052
Record all surveys and plats in county, private or official;	Sec. 23.053
Field records of surveyor's office may be examined by any interested person; fee charged;	Sec. 23.054
May be ordered by commissioners court to bind records;	Sec. 23.055
In absence of elected county surveyor, county clerk has charge of records;	Sec. 23.057
Shall deliver all records, books, and other materials of office to successor;	Sec. 23.058
May appoint deputy surveyor as necessary; administer official oath and take bond;	Sec. 23.014(a), (b)
Deputy may perform all acts of county surveyor;	Sec. 23.014(c)
May employ persons 16 or older as chain carriers or markers, and administer oath;	Sec. 23.015
File, with date and hour recorded, applications to purchase or lease vacant public school land;	Sec. 51.173 et seq.
May be appointed to survey a vacancy by land commissioner;	Sec. 51.171 et seq
Entitled to fees for recording documents with county clerk and for issuance of certified copies;	Sec. 23.060
Form of survey of vacancy prescribed;	Sec. 51.185
Liable for damages to injured parties for failure to make or have survey made;	Sec. 23.059

<b>DUTY/RESPONSIBILITY</b>	<b>AUTHORITY</b>
<b>2. EXAMINATION AND RECORDING OF SURVEYS AND RECORDS, continued</b>	
	<b>Civil Practice and Remedies Code</b>
Presumption of accurate boundary line descriptions in state disputes.	Sec. 18.033