



County Government Topics

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COUNTY GOVERNMENT IN TEXAS Duties and Responsibilities of Non-Elected Officials

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A county is a unit of local government with a fixed geographical area designated by the state to administer and to provide certain services such as road construction, local administration of justice, administration of elections, and to oversee the general welfare of its residents. Like all units of local government, counties make decisions that help to satisfy the needs of people. People normally need police protection, fire protection, roads, libraries, medical assistance, and housing. Provision for these services will vary from one county to the next, making it difficult to arrive at a picture of a typical county in terms of the services it provides. A county with a large population in an urban area will provide services very different from those needed in a rural county. Some of these services may be offered by the county only if the taxpayers request and approve them through a referendum. Other services and positions may be established by the Commissioners Court based on the need and willingness of county residents to pay taxes to support them.

People tend to think of county government as being comprised entirely of elected officials who serve on a term basis. In reality, these elected officials must rely on a staff of non-elected and appointed personnel to assist in the implementation of many services offered by the county. The purpose of this publication is to summarize the duties and responsibilities of non-

elected county officials and the services they provide. This fact sheet is meant to serve as a companion publication to County Government Topics No. 2—“County Government In Texas: A Summary of the Major Offices and Officials,” Extension publication number L-2094. Together, these two publications should provide a good overview of county government and the offices of which it is comprised. The reader should be aware that this publication does not identify all of the non-elected offices or positions that may exist in Texas counties. However, an effort has been made to identify those offices that exist most frequently among counties.

County Engineer

Many counties do not have a County Engineer because the quantity and frequency of engineering services they require does not merit retaining an engineer on a permanent basis. In these counties, the County Commissioners or Road Administrator supervise the county road and bridge program. However, in some Texas counties an engineer is employed to plan for and advise the Commissioners Court on matters concerning the road and bridge program.

The position of County Road Engineer was first authorized in 1947 by the “Optional County Road Law.” This law has been superseded by the “County Road and Bridge Act” of 1983. Article 6702-1 of *Vernon’s Annotated Civil Statutes* states that the County Engineer is appointed by the Commissioners Court and holds his position for an indefinite term.

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In counties where the optional county road system has been adopted by the voters, maintenance and construction of roads and bridges for all precincts is consolidated under the Commissioners Court through the County Engineer.

The County Engineer participates in meetings of the Commissioners Court when considering road and bridge matters. He is responsible for seeing that the policies of the Commissioners Court relating to the county roads are faithfully executed. Therefore, the County Engineer supervises the County Road and Bridge Department, its employees and projects. He is responsible for preparing detailed annual budget estimates for the department and maintaining cost-accounting records on road and bridge projects. He serves as custodian for all equipment, materials, and supplies belonging to the Road and Bridge Department and is responsible for maintaining an inventory. The County Engineer may also prepare specifications and bid documents for the purchase of county vehicles, heavy equipment, road materials, and construction items.

County Auditor

Article 1645 of *Vernon's Annotated Civil Statutes* provides that in counties with 10,000 or more inhabitants there shall be appointed an Auditor of accounts and finances. The County Auditor is appointed for a two (2) year term by the District Judge. The Auditor's primary duty is to oversee financial record-keeping for the county. This office also prescribes the accounting system to be used by the various county offices in counties having a population of 190,000 or more.

The County Auditor, by law, has continuous access to all books and financial records and conducts detailed reviews of all county financial operations. He is responsible for examining and certifying payrolls and for countersigning checks issued by the county.

The Auditor also makes financial reports to the Commissioners Court and District Judges. In counties with a population in excess of 225,000 inhabitants, the County Auditor also serves as budget officer for the Commissioners Court and prepares the annual budget.

Veterans County Service Officer

The Commissioners Court is granted the authority by Article 5787, Sec. 1 of *Vernon's Annotated Civil Statutes* to create the Veterans County Service Office and to appropriate funds in the budget for operation of that office. A County Veterans Service Officer may be appointed by the Commissioners Court to serve a term of two (2) years. This individual must have served in the active military and received an honorable discharge, or be a widowed Gold Star Mother or unremarried widow of a serviceman whose death resulted from service.

The Veterans County Service Officer must be experienced in the law, regulations, and rulings of the United States Veterans Administration. The primary responsibility of this officer is to assist residents of the county, who have served in the Armed Forces of the United States, in filing claims for compensation, hospitalization, pensions, educational loans, insurance

and other benefits. The Veterans County Service office can also advise surviving widows and dependents of deceased veterans concerning benefits due to them. Claims may be filed by this office for the beneficiary. It is the responsibility of the Veterans County Service Officer to evaluate claims and to defeat those that are determined to be unjust. No fees are collected from claimants for services rendered by the Veterans County Service Office.

Purchasing Agent

Counties having a population of 74,000 or more inhabitants according to the latest federal census may appoint a Purchasing Agent, pursuant to Article 1580 of *Vernon's Annotated Civil Statutes*. A board composed primarily of District and County Judges may elect to hire such an agent for a two (2) year term. It is the duty of the Purchasing Agent to prepare detailed specifications and make all purchases of supplies, materials, and equipment for the county. This is usually done on a competitive bid basis, as it is the duty of the Purchasing Agent to see that the county receives the most value for tax dollars expended.

The County Purchasing Agent is responsible each year for filing with the County Auditor an inventory of all supplies, materials, and equipment belonging to the county. In order to prevent unnecessary purchases, the agent has the authority to transfer items from one department or office to another.

Elections Administrator/Director

In most Texas counties, voter registration is conducted by the County Tax Assessor-Collector and elections are conducted by the County Clerk. A few counties, however, have a County Elections Administrator/Director who has assumed all or some of these responsibilities.

Article 5.24a of the *Election Code* allows the Commissioners Court of any county, regardless of population, to establish the position of County Elections Administrator. The position is filled by a County Elections Commission comprised of the County Judge, County Clerk, Tax Assessor-Collector, and Chairman of the County Executive Committee for each political party.

The person appointed as the County Elections Administrator must be a resident of the state but need not be a resident of the county at the time of his appointment. However, he must reside in the county during the time of employment. While in office, a County Elections Administrator may not run for public office nor support or contribute to any candidate for public office.

Generally, it is the responsibility of the Elections Administrator to register voters and hold elections in the county. Registration duties include accepting applications for voter registration, issuing voter registration certificates, maintaining a list of registered voters, hearing appeals and challenges on denial of registration and verifying petitions for local option elections. The Administrator's duties in regard to elections include preparation of ballots, procurement and distribution of election equipment and supplies, arranging for polling places, training election judges,

conducting elections, tabulating the vote and maintaining custody of voted ballots and other election records as required.

County Personnel Officer

In some counties, the Commissioners Court has elected to establish a Personnel Department. The County Personnel Officer is responsible for processing all applications for employment and may provide training for new employees as well as handle promotion policies, sick leave, vacation, retirement and other related matters. In less populated counties these responsibilities may be performed by another official, such as the County Treasurer, or by each office or department head.

County Fire Marshal

The office of County Fire Marshal may be created by the Commissioners Court of any county. It is the responsibility of this official to promote fire prevention, and to carry out fire inspections and fire investigations throughout the county. As prescribed in Article 1606c of *Vernon's Annotated Civil Statutes*, the County Fire Marshal is also charged with enforcing all state and county regulations pertaining to fire or combustible explosions. In addition, he may be responsible for coordinating a rural fire protection program for unincorporated areas within the county.

It is the duty of the County Fire Marshal to investigate the cause, origin and circumstances of every fire occurring within the county, outside of any incorporated city or town. The County Fire Marshal has the authority to subpoena witnesses to appear before him and testify as to their knowledge of facts and circumstances surrounding a fire. This official also takes and preserves written statements, affidavits and depositions pertaining to the investigation of a fire. If an investigation by the Fire Marshal indicates that misconduct was involved, such as arson, he is responsible for filing criminal charges with the proper court of jurisdiction.

The County Fire Marshal has the authority to enter and examine any building or structure where a fire occurred or may be subject to occurring. If the Fire Marshal has reason to believe that a building or structure is a potential fire hazard, he may order the occupants to take necessary action to rectify the situation.

A record of all fires occurring outside of incorporated cities in the county is maintained in the County Fire Marshal's office.

Juvenile Probation Officer

The office of Juvenile Probation Officer is provided for in Article 5142 of *Vernon's Annotated Civil Statutes*. Juvenile Probation Officers serve in all counties and are appointed by the County Juvenile Board. The term of office can vary, subject to the discretion of the Board. The law provides that a Juvenile Probation Officer has all of the powers and authority of a police officer or sheriff, with the exception of carrying a firearm. In most counties, however, the Juvenile Probation Officer is not involved in police work and serves primarily as a Juvenile Court

worker. The bulk of his work lies in social investigations and casework with juvenile offenders and their families. The Juvenile Probation Officer may take charge of a child before and after a trial and may be present in court to represent the interests of the juvenile when the case is heard. In addition, the Juvenile Probation Officer provides the court and Juvenile Board with any information or assistance required.

The Juvenile Probation Officer is responsible for complying with the standards and Code of Ethics prescribed by the Texas Juvenile Probation Commission.

Adult Probation Officer

The Adult Probation Officer works with law enforcement officials and the courts. He is appointed by the District Judge(s) and works with adults who have been placed on probation by the District or County courts. The salary of the Adult Probation Officer is provided by the Judicial District, but the county usually provides the Probation Department with operating needs such as facilities, equipment and utilities. The Adult Probation Officer is responsible for counseling probationers and insuring that they comply with the rules and conditions of their probated sentence. In addition, the courts may call on the Adult Probation Officer to conduct pre-sentence investigations.

Most Probation Departments work cooperatively with the Texas Adult Probation Commission to insure uniformity of standards and quality service.

County Health Authority

In accordance with Article 4436b of *Vernon's Annotated Civil Statutes*, the Commissioners Court may appoint a County Health Authority to protect public health. This position was formerly referred to as the County Health Officer. The County Health Authority must be a licensed physician, qualified to practice medicine in Texas, and a resident of the county. He is appointed to serve a two (2) year term. The County Health Authority aids and assists the State Board of Health in all matters of disease prevention and suppression, inspections, quarantine, birth and death statistics and public sanitation. To perform these duties, some counties have a Health Department or cooperate with other county and/or municipal governments in operating a public health district.

Medical Examiner

Article 49.25 of the *Code of Criminal Procedure* provides for a Medical Examiner. All counties not having a reputable medical school, as defined in the State Statutes, and having a population exceeding 500,000 are required to establish and maintain the office of County Medical Examiner. The law provides that no person shall be appointed Medical Examiner unless he is a physician licensed by the **State Board of Medical Examiners. The County Commissioners Court appoints** the County Medical Examiner and provides for his salary. It is the County Medical Examiner's responsibility to investigate and to determine the cause of death in cases where persons die

unattended, unnaturally, or violently. He may assist law enforcement agencies and the courts in the prosecution of criminal cases.

The County Medical Examiner is usually called in by the police, Sheriff's Department, or hospital to conduct an investigation involving a homicide. Partial or complete autopsies are performed when necessary, as in the case of suspected crime or negligence. The cause of death is then filed with either the District Attorney or Criminal District Attorney in the county where the death occurred.* In smaller counties, the Justice of the Peace serves as Coroner and is authorized to employ the services of a private physician to act as the medical examiner when needed.

County Extension Agent

State law authorizes the Texas Agricultural Extension Service as a part of The Texas A&M University System (State Land Grant University) to offer ongoing educational services to improve farm, home and community life in Texas counties. County Extension agents are an integral part of the Cooperative Extension Service, which represents a three way partnership of the county, Texas A&M University, and the U.S. Department of Agriculture. The Commissioners Court of each county enters into an agreement with the Texas Agricultural Extension Service and the U.S. Department of Agriculture for the purpose of cooperating in farm and home demonstration work. The Commissioners Court includes in the annual budget the necessary salaries and expense items of the county Extension office. Reference is made to Sections 43.031, 43.032 and 43.033 of the *Agriculture Code*.

Through this "local front door," the Texas Agricultural Extension Service carries the problem-solving knowledge available from research and technology to county residents. County Extension agents work closely with Extension specialists and local volunteers to transfer this knowledge through meetings, demonstrations, shortcourses, publications, mass media, and follow-up consultation.

County Extension agents live and work with the people in a designated county and form the basic unit of the Texas Agricultural Extension Service. Agents are professional educators with broad training in agriculture, home economics, 4-H and youth work, natural resources, community development, or related subjects.

*If there is no District Attorney or District Criminal Attorney in the county where the death occurred, the County Medical Examiner files the report with the County Attorney.

Agents also work with a County Program Building Committee, composed of local lay people, who identify county problems, evaluate solutions and plan needed educational activities.

County Librarian

Article 1679 of *Vernon's Annotated Civil Statutes* authorizes the Commissioners Court to set aside, annually, funds from the county budget for maintaining a county library. Upon the establishment of a library, the Commissioners Court appoints a County Librarian who holds office for a term of two (2) years. The person appointed to this position must be certified by the Texas State Library and Archives Commission. The County Librarian has the power to establish rules and regulations for the library, establish branches and stations throughout the county, determine what books and library equipment will be purchased, supervise employees, and carry out general management. At the end of each fiscal year, the County Librarian files a report with the Commissioners Court and the State Librarian concerning financial information, book statistics and operations conducted during the year. The County Librarian is under the general supervision of the Commissioners Court and the State Librarian.

In addition to the County Library, the Commissioners Court of each county is permitted by law to establish and provide for the maintenance of a county law library. This library is located at the County Seat and provides free legal resources for judges, government officials, lawyers, and county residents.

Public Defender

Counties having as many as four (4) County Courts and four (4) District Courts may appoint one (1) or more attorneys to serve as Public Defender, pursuant to Article 341-2 of *Vernon's Annotated Civil Statutes*. The Commissioners Court appoints the Public Defender and determines the term of office. To be eligible for such appointment a person must be a member of the State Bar of Texas, have at least three years experience in practicing law and be experienced in the practice of criminal law. If the presiding judge in a criminal proceeding determines that the accused cannot afford private counsel, he may request the free services of a County Public Defender or his duly appointed assistant. The Public Defender may represent both adults and minors in any or all steps of the judicial process, such as arraignments, trial, and appeal of conviction.

Educational programs conducted by the Texas Agricultural Extension Service serve people of all ages regardless of socioeconomic level, race, color, sex, religion, handicap or national origin.

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