

County *i*ssues

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Federal Update



By Laura Garcia
TAC Legislative Staff

HUD Releases \$4 Billion for Neighborhood Stabilization Program Grants

The U.S. Department of Housing and Urban Development (HUD) recently released the funding formula and grant allocations for the additional \$3.92 billion in Community Development Block Grant (CDBG) Program funds that were authorized by the housing stimulus legislation ("Housing and Economic Recovery Act") passed by Congress in July. The additional CDBG funds are part of the new Neighborhood Stabilization Program, which will provide targeted emergency assistance to state and local governments to purchase and rehabilitate foreclosed and abandoned homes.

Texas is slated to receive approximately \$178 million under the program. Certain communities in Texas will receive about \$76 million in direct funding allocations, while the remaining \$102 million will be allocated to the state for distribution to local entities. Recipients will have up to 18 months to expend the funds. Under the program, states and local governments can use the grants for purchasing and redeveloping foreclosed residential properties, establishing land banks for foreclosed homes, and redeveloping demolished or vacant

properties, among other eligible uses.

The state has until December 1 to submit a plan to the Department of Housing and Urban Development detailing its proposed allocation of the \$102 million in funds it was awarded. The Texas Department of Housing and Community Affairs (TDHCA) is presently drafting the state's action plan which will include proposed allocation amounts for cities and counties based on a formula comporting with federal guidelines. The housing legislation authorizing the program stipulates that areas with the greatest percentage of home foreclosures and homes financed by subprime mortgage related loan funding should be given priority consideration for funding.

TDHCA expects to publish a draft action plan with its proposed funding allocations for local entities by November 6. According to the agency, the draft plan will be available on TDHCA's website (<http://www.tdhca.state.tx.us/>) and the Texas Register, and there will be a 15-day public comment period. TDHCA also expects to consider public comments on the draft plan at its regular board meeting scheduled for November 13. TAC will provide updates on the program and the proposed plan upon its release.

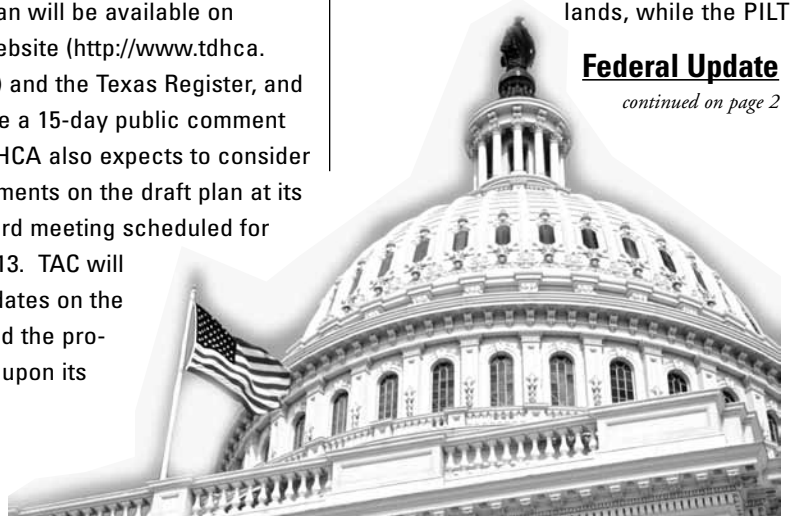
More information about the Neighborhood Stabilization Program can be found on HUD's website at <http://www.hud.gov/offices/cpd/communitydevelopment/programs/neighborhoodspg/>.

Secure Rural Schools and PILT Funding Included in Financial Bailout Legislation

On October 3, Congress passed the financial rescue package, also known as the Emergency Economic Stabilization Act of 2008, which includes provisions reauthorizing the Secure Rural Schools (SRS) program for four years and authorizing full funding (\$367 million) for the Payment in Lieu of Taxes (PILT) program through 2012. The SRS program provides funding assistance to counties affected by the decline in revenue from timber harvests on federal lands, while the PILT

Federal Update

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KEY COUNTY DATES

November 2008

November 3-7. (RESCHEDULED)
County Treasurers' Association of Texas Annual Conference, McAllen, Tx. (previously Sept 15-19, 2008). For more information, contact Norma Garcia, Hidalgo County Treasurer, at norma.garcia@treasurer.co.hidalgo.tx.us, or (956) 318-2508.

November 4. General Election Day. TEX. ELEC. CODE, § 41.002.

November 12-17. Period during which Commissioners Court must meet to canvass election returns. TEX. ELEC. CODE, § 67.003. [deadline extended]. After the canvass the County Judge shall promptly deliver a certificate of election to each candidate elected in the election, unless a recount petition has been filed for that office. TEX. ELEC. CODE, §§ 67.016 and 212.0331.

Not later than 24 hours after the Commissioners Court canvasses the election, the county clerk must deliver county returns for statewide and district offices and statewide measures to the Secretary of State. TEX. ELEC. CODE, § 67.007.

November 18. Complete jury wheel due to Secretary of State. TEX. GOV'T CODE, § 62.001(c).

2008 Fall Administrative Workshop sponsored by The Texas Judicial Academy, a Partnership between the county Judges Education Committee of the Texas Association of Counties and Texas Tech University School of Law, Galveston. Workshop will be held at Moody Gardens Hotel & Convention Center, 7 Hope Boulevard, Galveston, Texas, (409) 741-8484.

November 19-21. 2008 Fall Judicial Conference sponsored by The Texas Judicial Academy, a Partnership between the county Judges Education Committee of the Texas Association of Counties and Texas Tech University School of Law, Galveston. Workshop will be held at Moody Gardens Hotel & Convention Center, 7 Hope Boulevard, Galveston, Texas, (409) 741-8484.

November 20-21. 2008 Texas Public Funds Investment Conference. Educational Co-Sponsor: Lyndon B. Johnson School of Public Affairs, University of Texas at Austin. The conference will be held at the Renaissance Houston Hotel, 6 Greenway Plaza, Houston, Tx. (713) 629-1200.

December 2008

December 4. Deadline for county clerk to deliver an electronic report of precinct

results to Secretary of State. TEX. ELEC. CODE, § 67.017.

No later than December 14. If drought conditions exist (determined by the Texas Forest Service), Commissioners Court may adopt order regulating the use of certain aerial fireworks. TEX. LOC. GOV'T CODE, § 352.051(d).

Before December 15. Resolution of determining vote for appraisal district directors due from Commissioners Court to Chief Appraiser. TEX. TAX CODE, § 6.03(k).

December 8-18. 2008 Newly Elected Officials Training Workshops. A prep school for newly elected officials presented by the Texas Association of Counties at various locations. Please check the TAC website at www.county.org for dates and locations.

Before December 31. Results of appraisal district election due to Commissioners Court from Chief Appraiser. TEX. TAX CODE, § 6.03(k).

Calendar Fiscal Year Counties. Order designating day of week on which court will convene in a regular term. TEX. LOC. GOV'T CODE, § 81.005(a).

Federal Update *continued from page one*

program provides financial support to counties to help offset losses in property taxes due to nontaxable federal lands within their boundaries. Funding for both of these programs had been in jeopardy prior to the passage of the legislation.

Mentally Ill Offender Treatment and Crime Reduction Act Reauthorized

On October 14, the President signed S. 2304, which reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Act, a grant program aimed at

improving mental health treatment for inmates. The legislation reauthorizes the grant program, initially created in 2004 and administered by the U.S. Department of Justice, for an additional five years at \$50 million per year. Grants awarded under the program can be used by states and local governments for treatment and training programs to help address the needs of mentally ill offenders and reduce repeat offenses, including the creation or expansion of mental health courts. The bill also authorizes a

new grant program ("Law Enforcement Response to Mentally Ill Offenders Improvement Grants") aimed at training law enforcement personnel in responding to incidents involving individuals with mental illnesses and supporting the development of specialized law enforcement receiving centers to assess individuals in custody for mental health and substance abuse treatment needs.

For additional information, please contact Laura Garcia at (800) 456-5974 or laurag@county.org. 🗺️



Wind Energy

Emerging as the New Source of Renewable Energy



By Paul Emerson
TAC Legislative Staff

This is the third series of articles on Wind Energy published in *County Issues*, focusing on how wind power has become a leading renewable energy source in Texas. This article will begin by covering key points that were recently addressed at the Senate Committee on Business and Commerce hearing held on October 6, 2008, at the Capitol.

The Senate Committee on Business and Commerce, chaired by Senator Troy Fraser (R – Horseshoe Bay) heard testimony from local elected officials on interim committee charge #3: study the industry practice and regulation associated with the siting of wind turbines. Interim committee charge #6 was also discussed but has no relevancy to this article. The key point of discussion during the hearing focused on

whether local governments should have the authority to determine if wind farm installation is appropriate for a particular county. Having local control over wind farms was greatly emphasized by local officials from Gillespie County and supported by other Hill Country counties. However, it was quickly pointed out that counties do not have zoning authority and this idea may affect individual property rights. In seeking to preserve the natural uniqueness of the Hill Country, the Gillespie County commissioners court has adopted a resolution opposing any wind farm installation in that county.

Even though several suggestions were offered on which governmental entity should have oversight authority on wind farms (including the creation of a new state agency), the chairman seemed to be more inclined to support a voluntary compliance agreement involving all parties, similar to what Florida Power and Light Energy (FPLE) told the committee members – FPLE would not install a wind farm in the Hill Country.

The next Senate Business and Commerce Committee hearing is scheduled for November 18, 2008 at 9:00 a.m.

Texas Wind Energy

The American Wind Energy Association (AWEA) on-line reports show Texas to be one of the leading states with high wind potential, just

slightly behind North Dakota.¹ Other wind energy potential states behind Texas are Kansas, South Dakota, Montana, and Nebraska.² AWEA's report on wind potential by states is based on research performed by the Pacific Northwest Laboratory (PNL), a federal research center that created the national wind resource assessment for the U.S. Department of Energy (DOE) in 1986.

In 2006, Texas surpassed California to lead the nation in wind-generating capacity, as noted in the accompanying chart. Through wind power energy, Texas is capable of producing 4,296 megawatts.³ Even with the hot Texas summers, about 1 million homes could be powered with this amount of energy. Wind turbines capable of capturing 1,396 megawatts are currently under construction in Texas. At the end of 2007, the U.S. installed wind capacity has grown to 16,596 megawatts of which 25.9 percent is located in Texas.

It is estimated that wind power accounts for roughly 3 percent of the overall electricity produced in Texas. As noted by this chart, over the past 10 years wind power in Texas has increased much more rapidly than in California. From 2001 to 2007, Texas increased its wind capacity by 291.2 percent. This rapid growth is partially due to improved wind technology, increased wind speed, and various tax incentives. In addition, there has been a financial commitment by wind companies to invest \$10 billion in wind projects in Texas.⁴

Wind Energy *continued on the next page*

INSTALLED WIND CAPACITY, 1999-2007
(In Megawatts)

Years	Texas	California	U.S.
1999	180	1,646	2,500
2000	181	1,646	2,566
2001	1,096	1,714	4,261
2002	1,096	1,822	4,685
2003	1,292	2,043	6,374
2004	1,293	2,096	6,740
2005	1,995	2,150	9,149
2006	2,739	2,376	11,575
2007	4,296	2,439	16,596

Source: U.S. Department of Energy

Wind Energy

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Growth in wind related manufacturing (like TECO/Westinghouse and Composite Technology Corporation announcing plans to manufacture wind turbines⁵ and the Lone Star Wind Alliance, a coalition of universities and private industry, accepting a \$2 million grant award from the DOE to test large wind blades⁶) has also contributed to the success of wind energy in Texas.

Other incentives like the federal production tax credit (PTC) and local tax abatements have played a pivotal role in the success Texas has achieved in leading the nation in wind energy. The next article on wind energy will entail a more in-depth discussion on PTC and local tax abatements.

For more information concerning this article, please contact Paul Emerson at (800) 456-5974 or via email at paule@county.org. 🗺

- ¹ An Assessment of the Available Windy Land Area and Wind Energy Potential in the Contiguous United States, Pacific Northwest Laboratory, 1991; also available on the American Wind Energy Association website: www.awea.org/pubs/factsheets.html.
- ² Listing of the Top 20 States with Wind Energy Resource Potential: www.awea.org/pubs/factsheets.html.
- ³ This information is based on the average electric used in 2006 which is provided by U.S. Department of Energy, "Wind Powering America: Installed U.S. Wind Capacity."
- ⁴ Sara Parker, "Wind Energy in Texas Gets \$10 Billion Boost," Renewable Energy Access.com (October 4, 2006), <http://www.renewableenergyaccess.com/rea/news/story?id=46145>.
- ⁵ Round Rock Economic Development Partnership, "Strategic Alliance Agreement Brings Wind Turbines Manufacturer to Texas," November 27, 2006, <http://www.texasone.us/site/News2?page=NewsArticles&cid=5429>.
- ⁶ U.S. Department of Energy, "Department of Energy to Invest up to \$4 Million for Wind Turbine Blade Testing Facilities," <http://www.energy.gov/news/5163.htm>.

Come Have Coffee with TAC



By Aurora Flores-Ortiz
TAC Legislative Staff

With the 2009 Legislative Session right around the corner, TAC's legislative department is hosting another Coffee with TAC, November 13, 2008, in Amarillo. Judge Vernon Cook of Roberts County will help host this gathering that will take place from 10am-1pm at the Country Barn Steakhouse, 8200 I-40 West.

County officials from the Panhandle area will meet to have open dialogue with TAC staff and each other on topics important to their own county and those issues facing local government as a whole. County budgets, unfunded mandates, water and energy issues, law enforcement and tax abatements are just some areas where members can communicate their concerns. Having

these open and informal discussions before the session begins in January can help TAC staff know how best to assist you and to keep you aware of any unfavorable legislative proposals.



Another Coffee with TAC is being planned for the Abilene area in mid December. For questions on this event or if you'd like to host a Coffee with TAC, please contact Aurora Flores-Ortiz at aurorafo@county.org or (800)456-5974. 🗺



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TEXAS ASSOCIATION of COUNTIES



Resources, Naturally

“Everybody talks about the weather
but nobody does anything about it.”



By Paul J. Sugg
TAC Legislative Staff

Samuel Langhorne Clemens (1835-1910) wrote under the pen name Mark Twain and

the above quote is attributed to him. A contemporary scholar described him as “. . . an unmistakable native son of an eager, westward-moving people—unconventional, self-reliant, mirthful, profane, realistic, cynical, boisterous, popular, tender-hearted, touched with chivalry, and permeated to the marrow of his bones with the sentiment of democratic society and with loyalty to American institutions.”¹ This is flowery praise from a flowery era; William Faulkner simply called him the Father of American Literature². His darker view of human nature and his belief in its limited possibilities became more evident in his later works.

Last session, the legislature passed Senate Bill 3 to, in part, try to do something about the weather, or at least, something about funding the state water plan. Since the most recent version of this plan emerged from the 1997 legislative session, the Legislature has contemplated ways to pay for all the projects and proposals developed at the local, regional, and state level but has yet to reach that goal—there is a significant shortfall between the cost of funding projects and available revenue, with the possibility of additional damage to the state’s economy if we do not have

adequate water resources now and into the future. (This mix of needs presents an interesting policy challenge: some localities and regions have spent their resources preparing to meet their water needs and others have not shown the fullest level of due diligence; therefore, some ask, should the state—all of us—pay more money to make up these shortfalls and more to ensure the state as a whole has adequate water resources for the future?) In SB 3, the Legislature created the Joint Committee on State Water Funding, made up of the chairs of the house and senate natural resources committees, three members of the senate appointed by the lieutenant governor, and three members of the house appointed by the speaker.

The committee is directed to meet at least annually with the executive director of the Texas Commission on Environmental Quality and the executive administrator of the Texas Water Development Board to receive information about water infrastructure needs identified in the state water plan, how much this infrastructure will cost, the funding options to be used by local entities to meet the needs identified in the state water plan, and what the funding gap between need and resources is and recommendations on how to close it. These agencies are also supposed to provide information on whether all water fees assessed are “. . . sufficient to support the required regulatory water-related state program functions and activities; and identify viable, sus-

tainable, dedicated revenues and fees sources, or increases to existing revenue and fees, to support state water programs and to provide for natural resources data collection and dissemination, financial assistance programs, and water resources planning, including funding to implement water management strategies in the state water plan.”

To that end, TCEQ and TWDB recently reported to the joint committee. TCEQ reported the fees they collect for their various water-related state programs would be inadequate, creating a \$40 million shortfall for the next biennium, unless there is an increase in General Revenue funding from the legislature and/or an increase in fees to maintain service.

The Water Development Board presented information about their bonding authority and issuance but also discussed some potential revenue sources for funding water programs in the next several years:

- **Sales tax on retail sales of utility water and sewer** - 6.25% state sales tax and 1.8% local sales tax would apply; the first 5,000 gallons of monthly residential water use would be exempt, as would all industrial, governmental, and institutional water use.
- **Water conservation and development fee** - would apply to the

Resources, Naturally

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Inmate Medical, Dental and Mental Health Costs



By Laura Nicholes
TAC Legislative Staff

The Texas Code of Criminal Procedure, Article 104.002 Expenses for Prisoners, paragraph (a) says, "Except as otherwise provided by this article, a county is liable for all expenses incurred in the safekeeping of prisoners confined in the county jail or kept under guard by the county".

The cost of providing health care to inmates is a variable over which counties have limited control; the number of inmates depends on the number of "detainable offenses" committed and fluctuates with changes in population, as well as with different times of the year. The Texas Association of Counties has attempted to gather data on inmate medical, dental and mental health care as a way to track this uncontrollable expense and its impact on county budgets and local tax payers. The following information was provided by counties in response to questions on the *2008 County Expenditures Survey*.

Inmate Health Costs

Question: What were the total expenditures for INMATE medical, dental and mental health costs in your county jail? Include costs associated with either a county jail or a privately run jail holding county inmates under contract with the county.

One hundred eight counties responded with information for the following analysis:

- The cost for inmate health care is skyrocketing in 2008. Of the three Largest Counties, only Harris provided data for this question. In 2008, Harris County budgeted \$22.3 million, which is almost double what they spent in 2007. In large part due to this increase in Harris County, inmate health costs increased 338.8 percent over seven years for the counties in the greater than one million population bracket. As a significant contrast, Large Counties' expenditures only increased by 42.7 percent over the same period.
- The Smallest and Small Counties both had a considerable increase in average expenditures, 63.2 percent and 136.7 percent respectively, over the eight years covered by the survey.

The table below contains the change in average expenditures for all five of the county brackets.

Category	Population Bracket	Inmate Costs (2001 – 2008)
Smallest	1 – 10,000	63.20%
Small	10,001 – 25,000	136.70%
Mid-Sized	25,001 – 100,000	81.20%
Large	100,001 – 1,000,000	42.70%
Largest	> 1,000,000	338.80%

Blue Warrant Inmates

Question: What were the total expenditures for medical, dental, mental health care applied to Blue Warrant inmates?

Inmate Health Costs

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House Public Health Subcommittee Hears Counties' Best Practices



By Rick Thompson
TAC Legislative Staff

The House Public Health Subcommittee on Indigent Health Care and Treatment heard

invited and public testimony on Oct. 13 in Austin on Interim Charge #2:

Research issues relating to the Indigent Health Care and Treatment Act (Chapter 61, Health and Safety Code) and related local health care initiatives (Chapter 534, Government Code), and make recommendations to address any imbalance between counties for the provision of health care.

Public Health Committee

Chairwoman Jodie Laubenberg called the meeting to order and announced that prior to Chairwoman Delisi's resignation from the legislature (effective August 1, 2008) she appointed former long time Dallas County Commissioner and current House District 115 State Representative Jim Jackson to chair of the subcommittee. At that point, Chairman Jackson made some opening remarks about the direction of the hearing and its purpose. First he stated that they are not here today to "find ways to cover all uncompensated care" or to "rehash out of district care delivered by hospital districts, which is sometimes controversial between counties." He went on to state "we are here to see if we can find a consensus and a working agreement on what indigency means." He stated that the first question is to "identify who the indigent are", secondly "how they are being served now, by

House Public Health Hearings

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Inmate Health Costs *continued from page 6*

Forty six counties responded with information for the following analysis:

- This is a new question asked this year and was prompted by recent legislation that attempted to reduce overcrowding in local jails by making some parole violators eligible for bond prior to their parole hearings. Currently, parolees accused of violating their parole are housed in county jails while awaiting their parole revocation hearings. House Bill (HB) 541 would have allowed eligible parolees to post bond without being held in custody pending their hearings. HB 541 would have given judges and counties another tool to manage county jail populations without jeopardizing public safety as only technical violators and those with new, low-level offenses would have been eligible. During the session, HB 541 successfully passed both houses, but ended-up on the Governor's veto list.
- Medical costs associated with blue warrant inmates are difficult for counties to isolate from the general cost for inmates, as evident from the responses that were received. Only 37 counties were able to provide data for all three years which may contribute to a reported decline in blue warrant medical expenditures between 2007 and 2008.
- A spike in Large County expenditures occurred in 2007 is from Smith County spending \$3.5 million on blue warrant inmates' medical costs, more than any other county that reported their expenditures and more than double what the county spent the prior year.
- A comment from Smith County noted the cost for blue warrant inmates cannot be extracted until all expenses are paid by the county. Given the lack of data from responding counties on how much they budgeted for 2008, it seems likely that many if not most other counties also need to wait until all expenses are paid before they can arrive at a total cost. The extent to which this contributed to the apparent decline in expenditures for three of the categories cannot be determined at this time.

Category	Population Bracket	Blue Warrant Inmates (2001 – 2008)
Smallest	1 – 10,000	-97.50%
Small	10,001 – 25,000	-76.30%
Mid-Sized	25,001 – 100,000	-77.80%
Large	100,001 – 1,000,000	27.90%
Largest	> 1,000,000	0.00%

This article was adapted from the County Expenditures Survey report. A copy of the report can be downloaded in PDF format from the TAC web site (www.county.org/resources/countydata/products.asp#reports). 🗺️

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volume of water sold, as opposed to taxing sales revenue; fee would be 13 cents per 1,000 gallons of water sold; first 5,000 gallons of residential water would be exempt, as would all industrial, governmental, and institutional water use.

- **Water rights fee** – would be a surcharge of \$1.50 per acre-foot on currently authorized and future water rights permits issued to municipal, industrial, irrigation, and mining water rights holders; water rights for in-stream uses would be exempt (things like recreation and hydro-electric) as would rights for water storage.
- **Tap fee on public water supply connections** – a \$1 fee on public water supply connections, with governmental and institutional water connections exempted.
- **Sales tax on bottled water** – 6.25% state sales tax and 1.80% local sales tax to apply to retail sales of bottled water; would not apply to non-packaged bulk water delivered by tanker trucks and dispensed into residential cisterns or wells; would not apply to water sold at com-

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**REALITIES
OF LAW
ENFORCEMENT**
What you need to know

2009 Law Enforcement Regional Workshops

To register, go to www.county.org

TEXAS ASSOCIATION of COUNTIES

Budgeted Law Enforcement Personnel



By Tim Brown
TAC Legislative Staff

From January to March of 2008 the Texas Association of Counties conducted its third

County Expenditures Survey. The survey asked counties to provide several years' worth of expenditures in a number of areas ranging from county fuel costs to services to veterans. This article is part of our on-going series based on the findings from the survey report.

One of the questions on the survey was, "How many total budgeted positions for Law Enforcement (commissioned and support staff) personnel are there in your county?" Of the 118

Harris County. The other two counties in this category both increased their numbers by a combined 62 positions.

Table 1 shows the percentage

increase or decrease of total budgeted law enforcement personnel (including support positions) for all five population brackets. Even with Harris County reporting fewer law enforcement positions in 2008 than in 2007, the Largest counties were still able to show an average increase of 10.5 percent from 2001 to 2008 since each of the three counties in this category were able to budget for more law enforcement positions in 2008 than in 2001.

TABLE 1

Category	Population Bracket	Law Enforcement Personnel (2001 – 2008)
Smallest	1 – 10,000	-1.9%
Small	10,001 – 25,000	28.1%
Mid-Sized	25,001 – 100,000	28.0%
Large	100,001 – 1,000,000	11.2%
Largest	> 1,000,000	10.5%

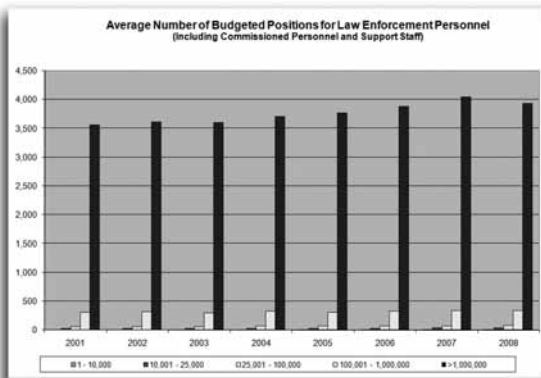
increase or decrease of total budgeted law enforcement personnel (including support positions) for all five population brackets. Even with Harris County reporting fewer law enforcement positions in 2008 than in 2007, the Largest counties were still able to show an average increase of 10.5 percent from 2001 to 2008 since each of the three counties in this category were able to budget for more law enforcement positions in 2008 than in 2001.

The average increase for counties in the 25,001-100,000 population range is 28.0 percent. The decrease shown in the number of budgeted positions in the counties with populations under 10,000 can be explained by the lack of data from earlier years in some county responses. When the averages are taken only from those counties in this

Table 2 shows the change in the number of law enforcement position based only on those 85 counties that were able to provide data for both 2001 and 2008. The average number of law enforcement positions increases significantly compared to the previous table where data from all counties is used in the calculations. The only exception is in the largest population bracket where each responding county provided data for the entire period.

Of course, the growing number of law enforcement personnel is not the whole story. At the same time they are budgeting for more personnel, counties are also forced to increase salaries. Numerous newspaper accounts testify to the need to increase salaries so as to attract and keep the best people in these jobs. The following is a short list of newspaper articles discussing the need to improve pay for deputies.

LE Personnel *continued on next page*



counties that took part in the survey, 114 were able to provide data on the number of budgeted law enforcement positions in 2008. In the chart above, we've graphed the average number of positions by population bracket for the responding counties. For example, in the three responding counties with a population over 1 million, the average number of budgeted law enforcement positions declined slightly from 2007 to 2008. This decline is due entirely to a decrease of 392 budgeted positions in

TABLE 2

Category	Population Bracket	Law Enforcement Personnel (2001 – 2008)	Number of Counties
Smallest	1 – 10,000	6.2%	25 out of 35
Small	10,001 – 25,000	34.5%	22 out of 31
Mid-Sized	25,001 – 100,000	30.1%	20 out of 23
Large	100,001 – 1,000,000	26.0%	16 out of 22
Largest	> 1,000,000	10.5%	3 out of 3

House Public Health Hearings

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who and at what cost,” and the third is to “identify best practices,” and to focus on “fresh ideas and solutions, thinking outside the box” when providing health care services.

The committee heard testimony from county representatives and county officials about proactive practices occurring in counties throughout the state. For example, Ellis County Judge Chad Adams spoke about his county’s financial agreement with the HOPE Clinic (a volunteer-based health care clinic located in Ellis County.) About 3 years ago, Ellis County entered into a contract that authorizes the HOPE Clinic to provide pharmaceutical, physician care and case management for the county indigent health care program. In the first year, Ellis County saw an eighty-one percent drop in emergency room visits in their community. The Ellis County commissioners court recently renewed their contract with the HOPE Clinic for another five years and will add more services including limited surgical dental care. Representatives from other counties remained through the six and half hour hearing to tell the committee about their proactive programs. A Capitol source stated that members of the committee were excited to see the efforts counties are making to provide health care at the local level.

Draft interim reports were due to the speaker’s office October 1, but because of scheduling conflicts, the House Public Health Subcommittee on Indigent Health Care and Treatment could not meet until the October 13. According to a Capitol source, the committee report could be turned into the speaker’s office around October 31. To see copies of handouts provided to the committee during the hearing, look for this article on www.county.org. For any questions on this article please contact Rick Thompson at Rickt@county.org or (800) 456-5974. ➡

LE Personnel

continued from the previous page

A future article in this series will discuss the growing number of corrections officers and briefly touch on their pay issues.

- Roger Croteau. “Comal Sheriff Pushes for 16 Percent Pay Hike,” *San Antonio Express-News*, July 8, 2008.
- Anita Miller. “Deputy Pay Raise Critical, Conley Says,” *San Marcos Daily Record*, April 3, 2008.
- Richard Orr. “Low pay takes bite out of sheriff’s dept.,” *Plainview Daily Herald*, September 16, 2007.
- Paul A. Romer. “Bell Deputies Earning Less than Area Police Officers; Sheriff Smith Requests Raises,” *Temple Daily Telegram*, May 30, 2008.
- James Taylor. “Deputies Dwindling Due to Poor Pay,” *The Bandera Bulletin*, October 2, 2007.

This article was adapted from the County Expenditures Survey report. Future articles in this newsletter will discuss other county cost drivers from the survey. In the meantime, a copy of the report can be downloaded in PDF format from the TAC web site (www.county.org/resources/countydata/products.asp#reports). ➡

Resources, Naturally

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munity dispensers.

All these proposals will draw their advocates and opponents and we will see what the wisdom of the 81st Legislature will be—nobody likes to raise taxes even when faced with an undeniable need. The issue can’t be wished away, though. ➡

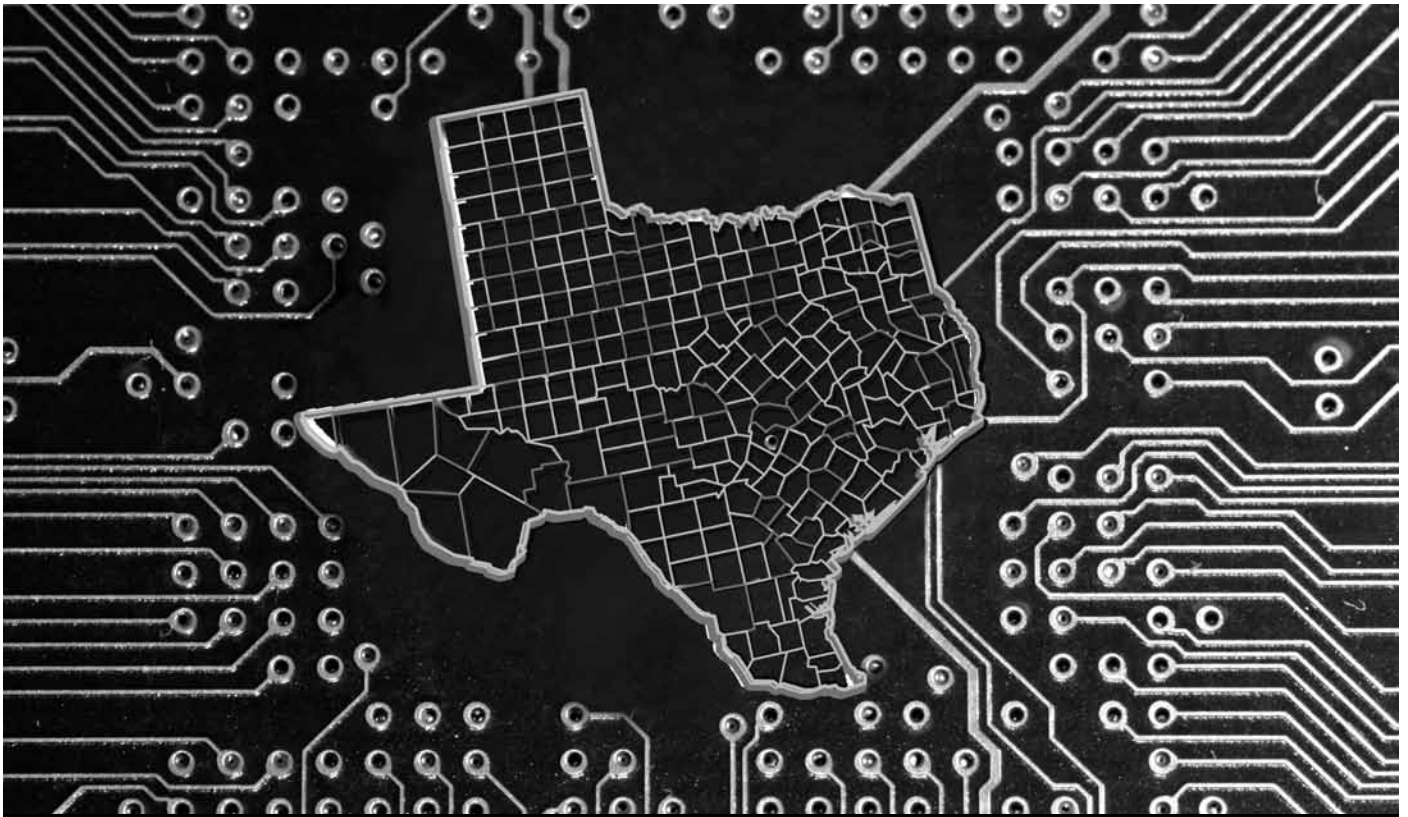
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- 1 Ward & Trent, et al., *The Cambridge History of English and American Literature*, New York: G.P. Putnam’s Sons, 1907–21.
 - 2 In 1936, Faulkner was in Hollywood, writing scripts for the producer Daryl Zanuck while also writing one of his masterpieces, *Absalom! Absalom!*. A friend, David Hempstead, expressed concern that Faulkner was working too hard and not eating enough (but of course, drinking to excess). “Dave”, he replied quietly, “there’s a lot of nourishment in an acre of corn.” (Joseph Blotner, *Faulkner: A Biography*. New York: Random House, 1974, p.364).
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Job Opening at TAC!

The Legislative Department at the Texas Association of Counties (TAC) has an open position for a County Financial Analyst. This position is responsible for researching, acquiring, analyzing, and maintaining essential data relating to Texas county finances; producing and defending county information products; and responding to ad hoc and formal requests for county data and analysis.

Minimum requirements include a bachelor’s degree in a relevant field (e.g., accounting, business, etc.) and experience with county government finances and accounting.

Interested parties should contact Tim Brown at (512) 478-8753 or timb@county.org for a copy of the job description. ➡



2009 Courts & Local Government Technology Conference

Jan. 27-29 • Crowne Plaza Hotel in Austin • Educational co-sponsor: Lyndon B. Johnson School of Public Affairs, University of Texas at Austin

Technological Changes for the New Economic Reality

CONFERENCE ENCOURAGES OFFICIALS TO KEEP CURRENT IN TECHNOLOGY

The 2009 Courts and Local Government Technology Conference provides quality programs focused on technology specific to Texas courts and county & city governments. If you are in charge of the strategic direction of your county, city or just your office or if you are simply passionate about technology, this is the one Conference you can't afford to miss. Choose from 6 different break-out education sessions on the first day and fantastic general sessions for the remainder of the conference. We will talk about what works, what doesn't work, and what is in the works in new technologies for local governments.

Each year, our exhibitors showcase their latest technology products and services specific to local governments and courts.

CONTINUING EDUCATION

TAC has applied for continuing-education credits for judges, auditors, county and district clerks, commissioners, justices of the peace, purchasing agents, tax assessor-collectors and treasurers. PHP, SPHR and TCLEOSE hours will also be requested.

REGISTRATION

Registration for the entire conference, including the pre-conference sessions, is \$150 before Jan. 1 and \$175 after Jan. 1. Registration is transferable. Requests for refunds (minus a \$10 administration fee) should be submitted in writing by Jan. 1. After Jan. 1, refunds will be subject to an administrative fee equal to half the registration fee. Online registration is available at www.county.org.

HOTEL INFORMATION

The Conference will be held at the Crowne Plaza Hotel in Austin, 6121 North IH35.

Request the Courts & Local Government Technology Conference (TC9) room block when reserving your hotel room to receive conference room rates: single \$85, double \$125. Rooms are limited, so please make your reservations as soon as possible. The reservation deadline is Jan. 12.

CO-SPONSORS

The 2009 conference is co-sponsored by the Texas Municipal Courts Education Center, the Texas Center for the Judiciary, the Texas Justice Court Training Center, the Judicial Committee on Information Technology, the Texas Judicial Academy, and the Texas Association of Governmental Information Technology Managers.

TEXAS ASSOCIATION *of* COUNTIES

Attorney General Opinions Issued



GA-0668: Honorable Jeff Wentworth, Chair, Committee on Jurisprudence Texas State Senate, whether certain posted agenda items satisfy the notice requirements of the Open Meetings Act, chapter 551, Government Code. **Summary** The notice at issue does not sufficiently notify a reader, as a member of the interested public, of the subjects to be addressed at a meeting subject to the Open Meetings Act, Government Code chapter 551. Section 551.042 of the Act authorizes a limited response to inquiries of a member of the public or of the governmental body about a subject not included in the posted notice. To the extent that a subject is addressed by a city manager or a member of the governing body in the manner and under the circumstances authorized under section 551.042, it does not have to be included in a posted meeting notice.

GA-0669: Honorable Jeff Wentworth, Chair, Committee on Jurisprudence Texas State Senate, whether the "radio station" exception to section 552.275, Government Code, applies to a person who holds an amateur radio license issued by the Federal Communications Commission. **Summary** The "radio station" exception to section 552.275 of the Government Code encompasses a person who holds an amateur radio station license issued by the Federal Communications Commission.

GA-0671: Honorable David H. Aken, San Patricio County Attorney, whether under section 81.002(a) of the Local Government Code, the county commissioner's oath provision, a county may employ a subcontracting company that is owned by a commissioner. **Summary** The county commissioners' oath provision, Local Government Code section 81.002, prohibits a county judge or commissioner from being directly or indirectly interested in a contract with the county. Chapter 171 of the Local Government Code excepts from section 81.002 a county judge's or county commissioner's interest in a business entity or real property. Such a contract with the county in which a county judge or commissioner is interested is governed by chapter 171 and not prohibited by section 81.002.

GA-0672: Honorable Wayne Smith, Chair, Committee on County Affairs, Texas House of Representatives, whether the Cedar Bayou Navigation District may regulate structures on and near Cedar Bayou in certain circumstances. **Summary** The Cedar Bayou Navigation District may regulate structures on and near Cedar Bayou to the extent that they may affect water transportation activities, are incident to or accommodating of commerce or navigation, or are incident to or necessary in the proper operation and development of ports and waterways. The District's authority encompasses authority to establish a permitting system.

GA-0673: Honorable Joe Driver, Chair, Committee on Law Enforcement, Texas House of Representatives, whether Government Code chapter 552, the Public Information Act, prohibits the disclosure of a vehicle identification number if the number is not accompanied by or identified with any personal information about any individual. **Summary** Government Code section 552.130(a) does not prohibit a governmental body from publicly disclosing a manufacturer's permanent vehicle identification number ("VIN"), if the VIN is not accompanied by or identified with any personal information about any individual.

GA-0674: Honorable Rodney Ellis, Chair, Committee on Government Organization, Texas State Senate, whether section 1355.004(b)(2) of the Insurance Code requires group health plans that provide more than 60 outpatient visits for physical illnesses to provide the same number of visits for serious mental illnesses. **Summary** Section 1355.004(a)(1)(B) of the Insurance Code requires a group health benefit plan to provide coverage, based on medical necessity, for not less than 60 visits per year for outpatient treatment of serious mental illness. Section 1355.004(b)(2) requires coverage for an outpatient visit described in subsection (a)(1)(B) on the same terms as for physical illness. Group health plans that provide more than 60 outpatient visits for physical illnesses must accordingly provide the same number of visits for serious mental illnesses.

GA-0675: Mr. James A. Cox, Jr., Chairman, Texas Lottery Commission, whether section 521.126 of the Transportation Code permits the Texas Lottery Commission to use electronically readable information encoded on the magnetic stripe of a driver's license to verify the age of persons using self-service terminals and vending machines to purchase lottery tickets. **Summary** Because the use of electronically readable information on a driver's license to verify the age of a person attempting to purchase a lottery ticket serves a legitimate law enforcement or governmental purpose, the Texas Lottery Commission is not prohibited by section 521.126 of the Transportation Code from using self-service terminals and vending machines to accomplish that purpose.

AG Opinions Issued *continued on right*

Attorney General Opinions Requested



RQ-0745-GA Honorable Sid Miller, Chair, Agriculture and Livestock, Texas House of Representatives, whether a municipality engaged in the process of annexing territory may use section 43.052(h)(1), Local Government Code, under various circumstances.

RQ-0746-GA Honorable Elton R. Mathis, Waller County Criminal District Attorney, Eligible reimbursements for the court reporter for the 506th District Court.

RQ-0747-GA Honorable Kevin Bailey, Chair, Urban Affairs, Texas House of Representatives, Interpretation of Civil Service Examination Procedure.

RQ-0749-GA Honorable G. A. Maffett III, Wharton County Attorney, authority of a commissioners court to remove fencing located within a county right-of-way.

RQ-0750-GA Honorable Patrick M. Rose, Chair Human Services, Texas House of Representatives, authority of a water company to paint fire hydrants black under particular circumstances.

RQ-0751-GA Robert Scott, Commissioner, Texas Education Agency, authority of a school district to use a reverse auction conducted by a third party to purchase personal property valued at \$10,000 or more. ■

AG Opinions Issued *continued from left*

GA-0676: Honorable John J. Carona, Chair, Committee on Transportation and Homeland Security, Texas State Senate, amount of exemption from ad valorem taxation to which certain disabled veterans are entitled. **Summary** Tax appraisal districts must use the schedule of disability ratings and corresponding maximum property tax exemption amounts for disabled veterans provided in article VIII, section 2(b) of the Texas Constitution instead of those set out in Tax Code section 11.22(a). ■




From the Legislative Desk

By Carey "Buck" Boethel, Director of Governmental Relations

Judge John Thompson represents TAC—on October 27, 2008 the Senate Committee on Transportation and Homeland Security heard testimony on the committee's interim charges relating to best practices among individuals, state and local governments and health care providers for disaster planning and first response efforts. Judge Thompson, County Judge of Polk County, appeared on behalf of TAC, the Deep East Texas Council of Governments Region in the capacity as a Coordinator for the DETCOG Multi-Agency Coordination Center and as Director of Polk County Emergency Management (PCEM). Following Hurricane Rita in 2005, the legislature passed SB 11 (Corona) authorizing the

creation of disaster districts to engage in homeland security preparedness and response activities, including the establishment of Multi-Agency Coordination Centers. Judge Thompson gained extensive experience by virtue of the lessons he learned as PCEM Director during the 2005 hurricane season (Rita). **State lauded for vast improvements**—"Vast improvements have been made in communications over the course of the past three years, particularly by the organized and functional format initiated for conference calls used for receiving field reports and disseminating status reports," Thompson said. He also noted that recent evacuation efforts associated with Hurricane Ike

were exemplary. The judge pointed out that sheltering is an area of high significance in which counties continue to look to the State for assistance because it usually includes medical special needs persons, personal care items, cots and feedings all of which require extensive resources often beyond what a county can reasonably provide. The mass shelter utilized in East Texas during Hurricane Ike was particularly effective and served many people very well, although the absence of generator power was noted as a matter needing improvement. Readers interested in the contents of Judge Thompson's written testimony can find it posted on the TAC website www.county.org 

Leg. Ad. Texas Association of Counties, Karen Ann Norris, Executive Director, 1210 San Antonio, Austin, TX 78701



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