

County*issues*

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2-1-1 Offers Flu Advice, Referral Services



By Rick Thompson
TAC Legislative Staff

The 2-1-1 Finding Help in Texas phone information system has continued to evolve to help meet the needs of Texas communities. From information on H1N1 and seasonal flu to the latest updates during hurricane season, 2-1-1 is a valuable resource for county officials, employees and residents.

As concerns over H1N1 pour into county offices, county officials and employees should know that 2-1-1 is an available referral resource for residents worried about the flu.

Medical professionals now staff the 2-1-1 helpline and can provide information about managing flu symptoms and advice on when to seek medical care from a physician or emergency room. Calls are answered 24 hours a day and callers are instructed to choose a language and then press "6" for flu information and guidance.

"We want to help people make informed decisions about how to care

for themselves and their families," said Dr. David Lakey, commissioner of the Texas Department of State Health Services. "Most H1N1 and seasonal flu cases can be successfully treated at home, without having to go to the doctor or without an unnecessary trip to the emergency room."

The 2-1-1 program also provides information for disaster relief efforts. Bell County Judge Jon Burrows found the 2-1-1 system useful during hurricane evacuations.

"During hurricanes Rita and Katrina, we were able to use the system to help coordinate the transfer of over 3,000 evacuees for Brazoria County," Burrows said. "Evacuees and family of evacuees were able to call into the system and locate the shelters and other services available to them."

As hurricane season draws to a close this year, county officials and employees may find themselves more concerned with referrals to 2-1-1 for everyday problems and situations residents bring up to county offices. County officials and employees can

2-1-1

continued on page 2



What type of calls does 2-1-1 field? The following are calls received from the Capital Area 2-1-1 Service.

- What office do I call to request a new street sign?
- Where is the nearest library?
- Is there a support group for cancer patients?
- My elderly mother is homebound and needs someone to take her grocery shopping.
- Is there a clothing closet near me?
- I have a client who needs literacy instruction.
- We don't have health insurance, but my child needs to see a doctor.
- Where can I recycle old tires?
- Where can I find affordable counseling services?
- I need to find help for an aunt in Illinois; whom can I call there?

IN THIS ISSUE

Stimulus Update

More than \$150 Million Available for Building Efficiency and Retrofit Loan Program. **See page 3.**

Proposition 5

Proposition 5 Expands Appraisal Review Board Candidate Pool. **See page 6.**

Appropriations Act

Analysis of Article V: Texas Juvenile Probation Commission. **See page 7.**

KEY COUNTY DATES

December 2009

Dec. 1-10: Prison Rape Elimination Act Regional Workshops. Various locations.

No later than Dec. 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 Dec. 15: Resolution determining vote for appraisal district directors due from Commissioners Court to Chief Appraiser. TEX. TAX CODE, §6.03(k).

Before Dec. 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).

January 2010

January: Term in which **Commissioners Court may designate a new site** at which terms are to be held during that calendar year. Seven days notice is required. TEX. LOC. GOV'T CODE, §81.005(d).

Month **voter registrar** to begin mailing confirmation notices to voters whose names appear on the suspense list. TEX. ELEC. CODE, §14.023.

Jan. 1: Effective date of **valuation of property on tax rolls.** TEX. TAX CODE, §23.01.

Jan. 2, 6 p.m.: Deadline for candidate filing for place on the general primary election ballot. *Actual receipt for 6 p.m. required.* TEX. ELEC. CODE, §§172.021 and 172.023.

Jan. 2: Deadline for Voter Registrar to file annual registration report with the Secretary of State of number of persons whose registrations in the county and the county election precincts will be effective on Jan. 1. TEX. ELEC. CODE, §18.041(d).

Jan. 1-15: Reconstitution of **jury wheel.** TEX. GOV'T CODE, §62.001(h).

2-1-1 *continued from page 1*

refer constituents seeking information on the following services to 2-1-1:

- food pantries
- housing and shelter services
- career services
- after-school programs
- child and senior services
- counseling services
- transportation needs
- utility bill assistance

The 2-1-1 system is operated through a partnership among the Texas Health and Human Services Commission, local governments and community groups. By dialing 2-1-1, the caller will be directed to a certified information referral specialist in a center run by a community group. The specialist will assess the caller's needs and determine the service providers best equipped to handle the problem by using the center's database, which includes federal, state and local government agencies and non-profit resources.

To use this service, tell constituents to just dial 2-1-1 or log on to www.helpintexas.com for a list of area information centers and other ways to find services and hotlines. Callers using cell phones may need to call an area information center directly; local information phone numbers are available on the Web site. Cell phone callers can also call an alternate access line at 1 (877) 541-7905. 📞

More than \$150 Million Available for Building Efficiency and Retrofit Loan Program



By Laura Garcia,
TAC Legislative Staff

Comptroller Susan Combs recently announced the availability of approximately \$157.7 million for energy efficiency and retrofit projects at government-owned buildings and facilities.

The funding, which is being funneled through the state as part of the federal stimulus, will be distributed by the Comptroller's State Energy Conservation Office (SECO) through a revolving loan program. Various governmental entities, including counties, cities and school districts, can apply.

Individual loans can range up to \$10 million for a term of up to 10 years, with interest rates at 2 percent. Additionally, project expenses will be reimbursed on a "cost reimbursement" basis, with no advance of funds. All projects must be completed and funds expended by April 30, 2012.

The program is designed for borrowers to be able to use the money saved from energy efficiency improvements to make loan payments. The stimulus program is similar to SECO's successful LoanSTAR program.

"A key aspect of the revolving loan program is that the money remains and is reinvested in Texas," Combs said. "A city, county or other



An electrician installs solar panels on the side of a building.

Credit: istockphoto.com

governmental entity pays off the loan with money it saves from lower utility costs.

"We can then use that repaid money to help another governmental entity cut its energy use and help save taxpayer dollars. The same pot of money will continue to revolve and benefit future projects around the state," the comptroller said.

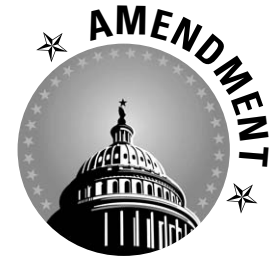
Entities may use the loan funding for a variety of energy efficiency projects, including: high-efficiency heating and air conditioning systems; efficient lighting fixtures and lamps; building shell improvements, such as insulation and reflective window film; low flow plumbing fixtures and high efficiency pumps; and renewable energy efficiency projects, among

other activities.

Applicants have until Dec. 30 to submit their applications. Interested counties can visit www.seco.cpa.state.tx.us/arra/sep/building/index.php#nolfa for further information about the program and application details, including information about the selection criteria. Priority will be given to ready-to-go projects and those that save the most energy per dollar, though various other factors will also be considered. Counties can also contact the Office of the Comptroller at (800) 531-5441, ext. 3-7392 for additional details and questions.

For more information on this article, please contact Laura Garcia at (800) 456-5974 or laurag@county.org. 🇹🇽

Proposition 2: A Study



By Tim Brown,

*Senior Analyst, County
Information Project*

Chronology of Proposition 2

Proposition 2, the constitutional amendment that bases residential value of a homestead on the residence's current use rather than "best use," passed with a vote of 720,130 for and 335,400 against.

Interestingly, more people voted on this amendment than any of the other 10 propositions on the ballot. One reason for the heightened interest in this bill may be the controversy that developed just weeks prior to the election, regarding a widely circulated

PROPOSITION 2 – (HJR 36, Article VIII) by Otto (Williams et al)

"The constitutional amendment authorizing the legislature to provide for the ad valorem taxation of a residence homestead solely on the basis of the property's value as a residence homestead."

e-mail suggesting the proposition would enable the state to create its own property tax.

A number of legislators, including Rep. John Otto, author of the amendment, addressed those same e-mails, through op-eds and other means. Otto stated: "The claim that Propositions 2 and 3 will create a state property tax is an outright lie. In no way, shape, or form do these propositions create a way for the state to tax property."

Later that same month, state Sen. Tommy Williams and Otto created a political action committee, STAR PAC, to get their message out about these same propositions. In part, they reiterated that no state property tax would be created by these propositions. In particular, they noted that Proposition 2 was an attempt to increase "fairness" in the appraisal process by limiting the current constitutional requirement that all properties be appraised at their "highest and best use." With the passage of Proposition 2, residential properties will be appraised in the future solely as residential properties. Kristeen Roe, Brazos County tax assessor collector, explained that the proposition comes in response to commercial industry moving into areas and impacting market values of residential properties.

In some high-growth areas of the state, this may tend to decrease appraised property values for some residential properties, particularly those close to areas experiencing rapid shifts from residential to commercial use. Supporters of the measure have argued that this will make the appraisal process fairer for

Implementation of Uniform Appraisal Standards May Take Additional Time



By Aurora Flores-Ortiz,
TAC Legislative Staff

Though voters approved Proposition 3, which would allow future implementation of a uniform property appraisal process and standards, it may take additional time to see if House Bill 8, which passed during the 81st Legislative Session, increases appraisal accuracy and improves standards of property appraisal in Texas.

This legislation mandates biennial reviews of appraisal districts for the first time. It also schedules school district property value studies for every other year,

PROPOSITION 3 (HJR 36, Article VIII) by Otto (Williams)

"The constitutional amendment providing for uniform standards and procedures for the appraisal of property for ad valorem tax purposes."

Proposition 3 *continued on page 9*

Proposition 2 *continued on page 7*



Resources, Naturally

Touchstones: on geographic centers and building codes



By Paul J. Sugg,
TAC Legislative Staff

The old Greeks believed Zeus once sent two eagles to fly across the world and meet at its center. At

different places around the Mediterranean, the modern tourist can find stones, called omphalos stones, erected by the ancients to mark this one point, this geographic yet spiritual center, this navel of the world. (Omphalos means navel in Greek). These different stones compete for being the true point where Zeus' two eagles met (chambers of commerce being what they have always been, ancient or modern), but one location with a strong claim is the omphalos stone at Delphi, where generations of the Oracle of Delphi foretold the futures of generations of Ancient Greeks. (This omphalos stone at Delphi is also said to be the rock Kronos swallowed, mistakenly thinking it was his child Zeus, but that's another story.)

The idea of an omphalos stone appeals to me, as a symbol of a geographical center, with significant, even spiritual portent. We all have these centers, these places, which truly center us. It may be where we grew up, whether a neighborhood or a piece of land, or it may be a place where we began and raised a family, or simply a place that fills an inner yearning. As Texans, though, we find our centers in places all across the state. For me, it's places like the road between Brookshire and Hempstead in Waller County, towns like Bellville and

Brenham, Austin and its environs, parts of the "old" Houston of my childhood and youth, Concan on the Frio River, Port Aransas, the Caprock country, the South Plains and the High Plains, Huntsville and the Piney Woods.

As parts of the state grow, we should exercise caution lest, in our haste, we pave over and lose any significant geographic centers, maybe even an omphalos. Counties play a central role in how unincorporated Texas develops. One tool now made available to county officials for this purpose is HB 2833.

House Bill 2833 became effective Sept. 1, 2009, and grants all counties (with the exception of Loving County)

the permissive authority to impose residential building code standards for new residential construction in the unincorporated area by enacting Subchapter F, Chapter 233, Local Government Code. Originally bracketed for El Paso County, its scope broadened as the Legislature directed the Texas Residential Construction Commission (TRCC) to expire, via sunset legislation. The TRCC had required homebuilders registered with the agency to hire third-party inspectors to inspect the homebuilders' new homes and file these inspections with the TRCC. With

Resources Naturally

continued on page 10



A building inspector checks over incomplete stucco work on new construction.

Credit: istockphoto.com



Proposition 5 Expands Appraisal Review Board Candidate Pool



By **Melissa Johnson**,
TAC Legislative Staff

Central appraisal districts having trouble finding enough qualified members for their appraisal review boards now have another option — partner with your neighbor.

In the most recent election, voters of Texas approved giving appraisal districts the option of combining their appraisal review boards.

“The intent is to increase the talent pool from which to select the members of the appraisal review board,” said amendment author Rep. John Otto, (R-Dayton).

PROPOSITION 5 – (HJR 36, Article VIII) by Otto (Williams)

“The constitutional amendment authorizing the legislature to authorize a single board of equalization for two or more adjoining appraisal entities that elect to provide for consolidated equalizations.”

Preferred members of appraisal review boards have some background in real estate or appraisal, but finding members with such qualifications is not always possible, especially in rural counties.

“If you increase the number of people from which you are picking the members, then it is more likely,” Otto said.

Most appraisal districts are established in each county and

appraise property located within that jurisdiction. There are more than 250 appraisal districts in this state and two counties, Randall and Potter, have a consolidated appraisal district and separate appraisal review boards.

Jim Childers, chief appraiser for the Potter-Randall Appraisal District (PRAD), said consolidation was a practical solution to overlapping property straddling the city of Amarillo line.

Proposition 5 *continued on page 9*

Passage of Proposition 11 Strengthens Eminent Domain Law

From Staff Reports

Now that Texas voters approved Proposition 11, entities given the authority to exercise the power of eminent domain (including counties) will have to follow a more restrictive definition of public use. This constitutional amendment places clear restrictions on the use of eminent domain, specifying that public use does not include the taking of property for transfer to a private entity for the primary purpose of

economic development or enhancement of tax revenues. This definition of public use is a clear response to the Unites States

Supreme Court’s 2005 Kelo decision, further strengthening the position the Texas Legislature took in 2005 when it passed SB 7 by adding these

Proposition 11 *continued on page 9*

PROPOSITION 11 – (HJR 14, Article 1, sec. 17) by Corte (Duncan)

“The constitutional amendment to prohibit the taking, damaging, or destroying of private property for public use unless the action is for the ownership, use, and enjoyment of the property by the State, a political subdivision of the State, the public at large, or entities granted the power of eminent domain under law or for the elimination of urban blight on a particular parcel of property, but not for certain economic development or enhancement of tax revenue purposes, and to limit the legislature’s authority to grant the power of eminent domain to an entity.”

Summary of the General Appropriations Act

State Budget — \$182.3 billion for the 2010-11 biennium



By Paul Emerson,
TAC State Financial Analyst

Editor's note: This article is the third in a series on Senate Bill 1, also known as the General Appropriations Act (GAA), and the impact certain state revenue sources may have on counties.

The primary focus of this series covers Article V (Public Safety and Criminal Justice) of the GAA. As a quick overview, Article V makes up 5.9 percent (or \$10.7 billion) of the state budget as shown in the pie chart below. There are nine state agencies, such as the Jail Standards Commission, Alcoholic Beverage Commission, and the Department of Public Safety, to name a few, which are dramatically over-shadowed by the Texas Department of Criminal Justice and its colossal \$6.1 billion budget (in All Funds) for the 2010-11 biennium. Below is a brief explanation about one particular program and how it's being facilitated with state funds at the local level. This new program started in September 2009 and is known as the Commitment Reduction Program — "Grant C" — which is currently being administered by the Texas Juvenile Probation Commission (TJPC).

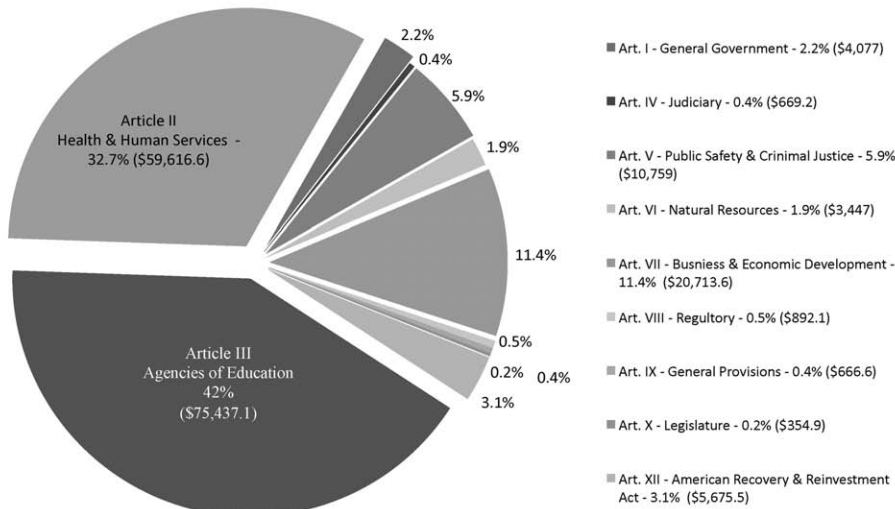
Article V: Texas Juvenile Probation Commission (Commitment Reduction Program — Grant C)

For the 2010-11 biennium, \$362.6 million was appropriated to TJPC, which is a 20 percent increase from the previous 2008-09 biennium. This 20 percent increase is mainly due to Rider 21 within TJPC's bill pattern of the appropriations act, which appropriates roughly \$44 million to reduce the statewide number of commitments

Appropriations continued on page 14

State Spending by Government Functions
\$182,310.3 Millions - All Funds

(2010-2011 Biennium)



Source: Legislative Budget Board

Proposition 2 continued from page 4

those residential property owners close to commercial areas.

But not everyone agrees with that assessment. For example, the *Austin American-Statesman* editorial board asked, "Is there something wrong with taxing property based on what it could fetch?" *Texas Monthly* Senior Executive Editor Paul Burka also opposed the proposition on his Burkablog, noting, "The most importance advance in state government in my lifetime was the Peveto bill requiring equal and uniform appraisal of property."

Otto took exception to Burka's comments. "[This proposition] requires 'residence homesteads' to be valued fairly and equally as a residence," Otto said in an e-mail that was later posted to the Burkablog.

Burka then, in the same posting, clarified his own position with his final comment, "I think it is a mistake to carve out exceptions to the principle of equal and uniform taxation, as well intentioned as this one is."

Regardless of which point of view any of us adhere to, the people of Texas made known their feelings on Nov. 3 when more than 68 percent voted in favor of the constitutional amendment.

Effects of Proposition 2

What, if any, effects will there be for Texas counties? The Legislative Budget Board (LBB) determined that "No fiscal implication to units of local government is anticipated." However, there are other costs associated with this bill.

While direct costs to counties and other local governments from this amendment may not be significant, some impact will be felt. First, although it is difficult to say with any degree of

Proposition 2 continued on page 11

Senate Committee Discusses Forensic Commission Appointments



By Laura Nicholes
TAC Legislative Staff

The Senate Committee on Criminal Justice recently met to address issues related to the

Texas Forensic Science Commission and to hear from the newly appointed commission chairman, Williamson County District Attorney John Bradley.

Governor Rick Perry made new appointments to the Forensic Science Commission in September and October 2009, including that of Bradley as chairman. The timing of the governor's new appointments, along with circumstances involving an arson investigation report of a now-executed man, have given rise to perceived political manipulations of the commission. News critics have been circulating the idea that the commission is seeking to delay a hearing on that arson report until after the March republican gubernatorial primary. The committee pressed the new chairman about possible conflicts of interest or gubernatorial influence.

During the Nov. 10 meeting, Bradley clearly and definitively stated he has not been approached or advised by the governor's office in how to proceed with commission business.

"I have never sat down and had a conversation with the governor or his staff and been told that I had to do anything in connection with this commission," he said. Later, when again questioned by Sen. Rodney Ellis about whether politics played a part in the reappointment of commission members, Bradley replied, "I don't see

myself as being someone else's political pawn and I don't think you've ever seen that I've behaved that way."

The Texas Forensic Science Commission (FSC) was created by the Legislature in 2005 (HB 1068) in "response to problems arising from the Houston Police Department and the horrible conditions in the [crime] lab," according to Sen. John Whitmire, chairman of the Senate Criminal Justice Committee. However, the commission was not funded by the Legislature until 2007.

Bradley testified that the commission lacks rule making authority and therefore lacks clear policies, procedures and definitions. He told the Senate committee that "the strongest way the commission can make progress is to look

at the process," and the process must be guided by policy. Whitmire advocated for a very transparent, public process so that agencies accredited by the FSC will be held accountable. Bradley suggested safeguards be put in place to protect individuals, such as whistleblowers, and the integrity of the commission and its duties.

Whitmire asked Bradley if being a district attorney will pose a conflict of interest to his chairmanship of the FSC. Bradley replied that the unique nature of the commission poses challenges to all its members but he will wear his "commission hat" when dealing with commission business.

"The commission has to be very

Appointments *continued on page 11*

TEXAS ASSOCIATION of COUNTIES RISK MANAGEMENT POOL

County government works hard for Texas. So we work hard to keep your employees healthy. In fact, our workers' compensation network was **rated the best in Texas** at getting injured county employees healthy and back to work.*

Bottom line: Better service to your taxpayers and lower workers' comp costs.

*TDI Workers' Compensation Network Report Card



Proposition 5 *continued from page 6*

"The consolidation was successful due to a spirit of cooperation between all parties," Childers said. "It was cost effective, and there was a shared identity through the separate board of directors operating as one entity."

Childers agreed with the amendment author that the passage of Proposition 5 will allow a larger candidate pool for appraisal districts that have difficulty finding members. But the chief appraiser suggested appraisal districts be sensitive to public opinion.

"A problem may exist if the public has a perception that someone outside of their county is not familiar with the market values in their area," Childers said.

Proposition 5 is permissive, meaning the joint system is now an option for appraisal districts across Texas, but the consolidation of appraisal review boards is not required.

"I believe in the saying that 'one size does not fit all' especially in Texas, so it is intended to be used where the appraisal district's board of directors thinks it will be of benefit," Otto said.

The amendment came about as a result of eight interim hearings conducted by the House Select Committee on Property Tax Relief and Appraisal Reform throughout the state. During those hearings, the committee heard numerous complaints about appraisal review boards, their lack of knowledge, understanding and treatment of the property owner, Otto said.

The enabling legislation for Proposition 5, HB 3611 by Otto, will take effect Jan. 1, 2010. 🗗

Proposition 11 *continued from page 6*

constitutional protections.

The amendment also allows the taking, damage, or destruction of a person's property only for the "ownership, use, enjoyment of the property" by the state of Texas, a political subdivision, the public at large, or an entity granted the power of eminent domain under law, or for the elimination of urban blight on a particular parcel of property. But as opposition to the amendment has noted, "ownership, use, and enjoyment" may be ambiguous, may cause confusion, and may lead to additional litigation. 🗗

Proposition 3 *continued from page 4*

rather than annual ratio determinations for school funding purposes.

The Comptroller's office, and its Property Tax Assistance Division (PTAD), is charged with implementing the new law and will review appraisal standards. PTAD Director Debbie Cartwright said the Legislature will decide if additional oversight is needed as a result of Proposition 3.

Currently, applications of appraisal methods vary by appraisal district, although appraisal districts by law must follow the Uniform Standards of Professional Appraisal Practice (USPAP).

Proposition 3 gives the Legislature the option to shift the enforcement of uniform standards

and appraisal procedures from the county level to a system determined by the Legislature. The state has an interest in consistent appraised values through uniform appraisal practices because the state allocates funding to public schools based on the per-student aggregate taxable property value in each school district.

Supporters say that because appraisal practices vary throughout the state, Proposition 3 will ensure equity statewide, and the appraisal process as a whole will be more user friendly. They argue that not everyone follows USPAP standards, and requirements need to be set in place and enforced.

Opponents argue that PTAD

already reviews appraisals through the property value study and will review appraisal districts due to the passage of HB 8. Opponents say appraisal review boards and district courts are already in place to enforce uniformity of appraisal.

Cartwright says the Comptroller's office will work to enforce appraisal standard requirements.

"Appraisers have differing opinions on which of the accepted methods to use for appraisals," Cartwright said. "Article 8, subsection (a) of Section 23 of the Texas Constitution, says there shall be no statewide appraisal of real property, so new enforcement tools for uniform standards cannot create statewide appraisals." 🗗

Hidalgo County Judge Named to GSA Position

From Staff Reports

Texas is losing a good friend in county government to a higher post.

Hidalgo County Judge J.D. Salinas has been appointed to serve as the Regional Administrator of the U.S. General Services Administration's (GSA) Greater Southwest Region by President Barack Obama.

As the Greater Southwest Regional Administrator, Salinas will oversee all of GSA's activities in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, including management of federal real estate and information technology. He also will be

responsible for an inventory of 1,350 government-owned buildings.



Judge J.D. Salinas

"It has been my distinct honor to serve the people of Hidalgo County first as their county clerk and then as county judge," Salinas wrote in his resignation letter. "I appreciate their support and look forward to serving them in my new capacity as well."

Salinas served as county judge of Hidalgo County since his election in 2007. As chief administrator for the sixth largest county in Texas, Salinas

was responsible for leading more than 3,000 county employees.

"Judge Salinas leaves behind a legacy of cooperation, commitment to open government, and pressing forward even in times of hardship," said a press release issued by Hidalgo County.

During his tenure, Salinas developed and implemented the Hidalgo County Prescription Drug Discount Card, established a wireless emergency notification system for county residents, and worked closely with the U.S. Department of Homeland Security and the International Water and Boundary Commission on the Levee/Barrier Project.

Under his leadership, Hidalgo County received its first and second-ever Texas Association of Counties Leadership Foundation Best Practices awards and brought in more federal money for infrastructure projects — such as the levees and U.S. Highway 281 — than anyone in Hidalgo County's history, the county Web site reported.

Salinas has a long history of public engagement and community service. Elected in 1999 as Hidalgo County Clerk, he established satellite county clerk offices and extended hours to allow more convenient access for country residents. Additionally, Salinas established the "Public Report Card" system, a transparency measure of the County Clerk's Office.

Salinas received his Bachelor of Science degree from Texas A&M University and a Masters of Public Administration from the University of Texas Pan American in Edinburg, Texas.

Rene Ramirez, chief of staff to Sen. Juan "Chuy" Hinojosa, D-McAllen, was sworn in as interim county judge Nov. 3. ♡

Resources Naturally *continued from page 5*

TRCC set to expire, and the session struggling toward its end, the stage was set: with the support of the County Judges and Commissioners Association of Texas, the Texas Conference of Urban Counties, the Texas Association of Builders, and El Paso County, HB 2833 materially changed and passed into law.

Counties now have the authority to adopt a resolution or order requiring new residential single-family or duplex construction (and certain additions to existing houses or duplexes) to conform to a building code (either the version of the International Residential Code published as of May 1, 2008 or the version of the International Residential Code applicable in the county seat of the county). If a county chooses to require this, a builder must perform three inspections of the construction, contracting for the inspection with a licensed engineer, a registered architect, a professional inspector licensed by the Texas Real Estate Commission, a building inspector employed by a political subdivision, or other professional inspectors listed in Subchapter F, Chapter 233, Local Government Code.

In the order or resolution it adopts, a county may choose to require a builder to provide the county notice of construction projects and notice of inspections and enforce this requirement. A county may also choose not to require this notice and simply adopt the building code and inspection requirements. A county may not charge a fee for enforcing the law's provisions and may not require prior approval before the beginning of new residential construction.

A county should avail itself of all appropriate and available advice and counsel prior to embarking on this road, but this is a promising road for those counties that may choose to follow it. In large part, our sense of place, our appreciation and love for the land that shaped us, is what makes us Texans. Preserving the special places, the omphaloses, is a worthy goal. ♡

Proposition 2 *continued from page 7*

certainty what the exact effects of the amendment will be, it is clear that there will be a tax shift in some areas of the state. This will occur as certain residential taxpayers benefit from reduced property values resulting in lower total property taxes. Due to the lower residential property appraisals, other property owners may see their property taxes increase.

The extent of this tax shift will vary by county. In some counties, the shift will be insignificant. In others, the shift may be noticeable. How significant the shift is depends on a combination of factors. One factor is the percentage of the tax base derived from residential properties. The higher this percentage is, the greater the likelihood of a significant tax shift.

Another factor is more difficult to ascertain in advance — the change in the average residential property's value due to this new appraisal requirement. As with the first factor, a greater percentage change will lead to a more significant tax shift.

Clearly, the greatest tax shift will occur in those counties that have a combination of factors: where a high percentage of the tax base is derived from residential properties combined with a significant change in the appraised value of individual residential properties due to the change in how those residential properties will be appraised in the future. Absent those factors, it is unlikely counties will be significantly impacted by Proposition 2.

For more information, contact Tim Brown, senior analyst, County Information Project, at timb@county.org or (512) 478-8753. 📍

Appointments *continued from page 8*

careful about the process that it develops so that we keep the focus on forensic science — not on the criminal case,” Bradley said.

The Senate Committee on Criminal Justice will schedule subsequent hearings for the Forensic Science Commission as determined by the committee.

For more information, contact Legislative Staffer Laura Nicholes at (800) 456-5974 or LauraN@county.org. 📍

Helping counties **work** together for Texans

What do counties get as members of the Texas Association of Counties?

To name just a few services that only TAC provides:

- ★ Toll-free Legal Hotline at (888) ASK-TAC4 (888-275-8224);
- ★ County magazine and the TAC Website at www.county.org;
- ★ Web site hosting and technology assistance through the County Information Resources Agency;
- ★ Leadership development and Best Practices recognition through the TAC Leadership Foundation;
- ★ First-rate continuing education programs that are

sanctioned by the International Association of Continuing Education Trainers; and

- ★ This handy, county-specific calendar that highlights legal must-do's and education opportunities.

The common thread in these dues-funded services is that they all represent efforts to *make county government better* for the citizens and taxpayers of Texas. Since its creation 40 years ago, TAC has been at the forefront of bringing county officials together under one tent to seek collaborative solutions that apply throughout the state. THAT'S what TAC does for you!

TEXAS ASSOCIATION *of* COUNTIES

Lost on the Technology Superhighway?

**Texas Association of Counties
2010 Courts and Local Government
Technology Conference**

**Jan. 26-28, 2010 • Crowne Plaza Hotel in Austin • Education Co-Sponsor:
Lyndon B. Johnson School of Public Affairs, University of Texas at Austin**

Agenda

TUESDAY, JAN 26 Education Tracks

Non-Specific Training

Topics: Growing like Wildfire: State of the Art IT in Hutto; What's New with TexasOnline; Emergency Preparedness Panel: IT in Times of Crisis

County Judges Training

Topics: National Information Exchange Model; Integrated Justice Systems; A Study of Juror Expectations and Demands Concerning Scientific Evidence: Does the "CSI Effect" Exist?

Municipal Courts Training

Topics: Technology, Courts & Ethics; New Media Tools and Trends: a 21st Century Primer on What's Next; Going Green with Technology; Innovative Traffic Technologies; Technology & Collections

Justice of the Peace Training

Topics: Electronic Death and Marriage Certificates; How to Get eCourt Project Funding from your Technology Fund; Video Magistration: The How-To's on Technology; Video Magistration: Walking the Legal Line; Social Media Today



Information Technology Training

Topics: Wireless Security from a Legal Perspective; Web 2.0 and Social Networking; County Software Project (CIJIMS) Update; Forming a Texas County IT Association; Texas Integrated Justice Information Systems (TIJIS) Briefing

Law Enforcement Training

New this year! Law Enforcement track specific to technology topics.

Topics: County Software Project (CIJIMS) Update; Computer Forensics; National and International Law Enforcement Technology; Legal Aspects of Mobile Video Taping; In-Car Technology

WEDNESDAY, JAN. 27 General Sessions

How to Handle Change Before Change Handles You: Calm Amidst the Chaos

*Opening Keynote Speaker: Kelli Vrla, ISB
Speaker, Change Management*

Emergency Management – Hard Lessons Learned

Speaker: Steve Jennings, Former CIO, Harris County

New Laws of E-Government

Speaker: Peter Vogel, Partner, Gardere Wynne Sewell, LLP

Center for Legal and Court Technology: A Bexar County Case Study

Speaker: Martin E. Gruen, Deputy Director for Technology, Center for Legal and Court Technology/Courtroom 21 Project

Making IT an Essential Enabler for Reducing Government Cost and Improving the Delivery of Public Services

Speaker: Jon Fullinwider, Former Chief Information Officer, Los Angeles County

BUS TRIP – Let's go to the movies! "Short Circuit" is playing just for us at Alamo Drafthouse!

THURSDAY, JAN. 28 General Sessions

The Future of Court Technology

Speaker: Harry Leverette, Jr., Information Technology Director, Harris County Criminal Courts at Law

Web 2.0 and Emerging Technologies in the Courts

Speaker: Andrea Henson-Armstrong, Education Attorney, Federal Judicial Center

Showing Off – Web 2.0 in Action: Case Studies from Bay City, Williamson County and Hill County

Join us for a focused conference on technology affecting your offices, your employees and your resources. Our conference this year features national and state speakers addressing the technology issues you face both today and tomorrow.

Continuing education is offered for judges, auditors, county and district clerks, commissioners, justices of the peace, purchasing agents, tax assessor-collectors and treasurers. TCLEOSE hours will be requested as well. Visit our Web site for more information.



FROM THE LAWYERS:
Understanding New Laws for New Technology, *Peter Vogel, Partner, Gardere Wynne Sewell, LL*



STAY CALM AMIDST THE CHAOS:
Handling Change Management, *Kelli Vrla, ISB Speaker, Change Management*



PEER INTO NEW TECHNOLOGY FOR COURTROOMS
Martin E. Gruen, Deputy Director for Technology, Center for Legal and Court Technology/Courtroom 21 Project



IT'S HERE TO STAY – JUMP INTO WEB 2.0
Andrea Henson-Armstrong, Education Attorney, Federal Judicial Center

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Web site: www.county.org/education/events/2010/GovTech/index.asp
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Lost on the Technology Superhighway?

2010 Courts & Local Government Technology Conference

Jan. 26–28 • Crowne Plaza Hotel, Austin, Texas

Room Block: Ask for Association of Counties Block • \$85 single room rate • reservation deadline is Jan. 12.

Registration: (Online registration is available at www.county.org) • \$150 until Jan. 1 • \$175 after Jan. 1

Name: _____

Title/Office: _____

County: _____

Address: _____

City: _____ ZIP: _____

Phone: _____ Fax: _____

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- ☐ I'm interested in taking the bus to the Alamo Drafthouse on Wednesday for fun, beverages and the retro movie "Short Circuit."
- ☐ I'll be taking my personal vehicle to the Alamo Drafthouse on Wednesday for fun, beverages and the retro movie "Short Circuit."
- ☐ Nope, I'm not going to see a bad retro movie.

☐ Bill me ☐ Check enclosed

Please make checks payable to Texas Association of Counties

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Attn: Kaylee Harris
P.O. Box 2131, Austin TX 78768-2131

Fax to: (512) 477-1324

☎ If special accommodations are needed, please contact Liz Alexander at (800) 456-5974.



The 2010 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, the County Information Resources Agency and the Texas Association of Counties.

Refund requests must be submitted in writing or fax by Jan. 19th to receive a refund less a \$10. administrative fee. Refund requests later than Jan. 19th will be charged a fee equal to ½ of the registration fee.

AG Opinions

REQUESTED

RQ-0831-GA: Honorable Todd Hunter, Chair, Judiciary and Civil Jurisprudence, Texas House of Representative, whether section 271.118, Local Government Code, prohibits a company from being selected as a construction manager-at-risk for a municipal project if a related company has been selected as project manager and design engineer.

RQ-0834-GA: Honorable Joseph D. Brown, Grayson County Criminal District Attorney, whether a commissioners court may amend the county budget to reduce salaries for the county clerk's office because she closed her office temporarily for a weather-related emergency.

RQ-0836-GA: Honorable Geoffrey I. Barr, Comal County Criminal District Attorney, whether a county commissioner, by virtue of article XVI, section 65, Texas Constitution, automatically resigns his seat under particular circumstances. ■

Darby Named Friend of County Government



Credit: TAC

Tom Green County Judge Mike Brown (left) and Treasurer Dianna Spieker honor Rep. Drew Darby (R-San Angelo) with the Texas Association of Counties Friend of County Government award in the Tom Green County Commissioners Court Nov. 10. Darby was recognized by TAC and the court for his efforts on behalf of Texas counties. Darby is joined by county clerk employee Asyna Seale (back row, left) Precinct 3 Commissioner Steve Floyd (back row, center) and Precinct 4 Commissioner Richard Easingwood (back row, right).

Appropriations

continued from page 7

to the Texas Youth Commission (TYC) by providing counties with additional resources to expand community-based diversion programs. The Grant C program is fully funded by general revenue funds, with no federal funds or stimulus supplements. The program is strictly voluntary, and based on TJPC's Web site, accepting Grant C funding does not affect the legal ability of juvenile court judges to send a youth to TYC. But the program does require the participating counties be able to meet a TYC commitment target, which becomes the goal for the local juvenile departments.

Currently there are 165 juvenile probation departments in Texas that are mainly funded with local funds, meaning those funds usually account for 70 percent of the department's budget with the remaining 30 percent funded through state dollars. Now, with the additional funding provided by the state, the county's portion of funding may be reduced and used for other purposes. These additional funds could provide greater assistance to some of the smaller counties.

In the next County Issues, Article VI, Natural Resources will finish out this series on the GAA. For more information, contact Paul Emerson, TAC State Financial Analyst, at (800) 456-5974 or paule@county.org. 🗺️

From the Desk

continued from back cover

dealing with school desegregation and civil rights. Each county that creates an apportionment plan must get the approval of the Department of Justice before the new plan can be implemented.

The single member district — The legal requirement to reapportion all single member districts from which public officials are elected extends to the U.S. Congress, the State Senate and House of Representatives, the county commissioners and members of city councils in most of the state's largest cities. The size of the population is the controlling principle — not the number

of registered or qualified voters. Because the federal courts have held that population must be used as the basis for reapportionment, the actual publication of the census is the point at which reapportionment commences — March 2011 is when the next census data is expected to be available and in published form. Source: U.S. Commission on Civil Rights, Using the Voting Rights Act, 1976.

Cryptic plumage — The entire scenario reminds me of the brood parasite cuckoo birds. These birds have cryptic plumage on their undersides which resembles that of a hawk so they

can cause alarm and get access to the host nest. Their young have colored feathers that resemble the young of the hosts. That's the bird that doesn't believe in investing any time in parenthood and sneaks its look-alike young into the host nest so another specie can raise and nurture the young — but why? So it has more time to produce offspring! Applying this form of cuckoo cuckoldry to the Capitol during decennial census time, it is often difficult to determine what is hatching, who is hosting, what is being nurtured to hatch and what all the variations in plumage actually signify. 🇹🇽

Van de Putte, McClendon Honored with Friend of County Government Award



Credit: TAC

The Texas Association of Counties and the Bexar County Commissioners Court honor Rep. Ruth Jones McClendon (center, left) and Sen. Leticia Van de Putte (center, right) with the Friend of County Government award Nov. 17 in the Bexar County Commissioners Court. Also pictured with the legislators are, from left, Commissioner Paul Elizondo, Commissioner Tommy Adkison, Judge Nelson Wolff and Commissioner Sergio "Chico" Rodriguez. McClendon and Van de Putte were recognized for their work on behalf of county government.



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From the Legislative Desk

By Carey "Buck" Boethel, Director of Governmental Relations

Redistricting Ruffles Feathers

The upcoming decennial census along with its unavoidable gain in population are among the more significant issues likely to have an effect of some kind, on not only Texas county officials, but perhaps also on county legislative plans and agendas being developed for the 82nd general session. It only happens every 10 years, but clearly that is far too often to place treasured personal friendships and honorable business relationships among legislative members, lobbyists and state employees in jeopardy because of effects of new reapportionment plans. Significant changes in population inevitably call for new redistricting plans and the host of problems inherently mixed up in the deal. Changes in boundaries and precinct lines may cause a member to lose a prized and generous constituency heretofore strongly relied upon and faithfully served for many years. It is a time when friendships are taken well beyond their limits — getting caught in the crossfire and fallout of reapportionment initiatives is

a situation almost impossible to avoid, especially if you have a good bit of business to conduct at the Capitol and particularly if that business includes the need for passage of laws. Among other important things, the predictability of legislative outcomes on many levels and in a variety of venues and settings is a very

more strained. Some institutions become broken and at times, even permanently severed.

One-person-one-vote principle —

The process of reapportionment is very important and something that must be experienced and practiced. Fundamentally, it is a matter of dividing up the population so that each elected

Significant changes in population inevitably call for new redistricting plans and the host of problems inherently mixed up in the deal.

significant factor that can ultimately determine how successful you might become in your legislative ventures and how long you may be capable of keeping yourself elected. However, with the primacy of reapportionment permeating virtually everything — all human systems and countless relationships — everything becomes

official represents an equal number of persons. The late Earl Warren, former Chief Justice of the United States Supreme Court is often quoted as saying the more important decisions of the courts involved reapportionment — even more significant than those

From the Desk *continued on page 15*