

# County*i*ssues

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## Census Population Updates to Affect County Laws



**By Nanette Forbes,**  
*TAC Legislative Staff*

With population updates from the U.S. Census coming in March 2011, counties that have

shifted population brackets may find themselves faced with additional statutory responsibilities, or conversely, they may find certain statutory provisions no longer applicable.

For example, if a county's population grows to 10,200 or more, as certified by the census, the district judge must appoint a county auditor. TEX. LOC. GOV'T CODE, §84.002(A). According to the Census Bureau population estimate for 2008, Franklin and Rains counties have exceeded the 10,200 population bracket. If the results of the 2010 Census confirm this growth, the counties will need to prepare to budget for an auditor position.

During the next legislative session after the 2010 federal census data is released, the Texas Legislative Council

will draft legislation to amend specific statutes, effectively updating population bracketed laws so that they will continue to apply to the same political subdivisions as originally intended. This process is completed after every decennial census. During the 2001 process, opponents to HB

subdivisions will be affected by the population definition in the statute," according to opposition recorded in the House Research Organization bill analysis. "Consequently, about 400 population definitions that will affect a large number of jurisdictions would not be revised under this bill. Many cities

and counties will have to discover whether they have moved in or out of population brackets they may or may not want to enter or leave."

During the 77th Legislative Session (2001), the Legislature extended the acceptance date of the federal census data to Sept. 1 of the following calendar year to allow political subdivisions an opportunity to receive the census

date and determine whether the population limits are necessary. TEX. GOV'T CODE, §2058.001. Accordingly, the recognition of population changes in statutory provisions will not become effective until Sept. 1, 2011.

For more information, contact Nanette Forbes, legislative liaison, at [nanettef@county.org](mailto:nanettef@county.org) or (800) 456-5974. ★

United States®  
**Census**  
**2010**

2810, which was drafted to adjust specific statutory population figures to conform to the 2000 Census during the 77th Legislative Session, argued that the process of updating population brackets was not all inclusive.

"The standard used for including the statutes that would be revised by the bill was whether five or fewer political

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## KEY COUNTY DATES

### March 2010

*All Counties:* First month commissioners court may make determination on whether the county election precincts comply with law and make boundary changes (some exceptions apply). TEX. ELEC. CODE, §42.031(a).

**March 2:** General Primary Election Day. TEX. ELEC. CODE, §41.007.

**March 16, 2010: Spring Judicial Session,** Overton Hotel & Conference Center, Lubbock.

**March 17-19, 2010: Spring Administrative Workshop,** Overton Hotel & Conference Center, Lubbock.

**March 30:** *Counties with 100,000 or greater population:* County clerk required to mail, or at the request of the filer send by electronic mail, two copies of financial disclosure forms to the county judge, county commissioners and county attorney who are not candidates in the general primary election. TEX. LOC. GOV'T CODE, §159.005. Appointed officers and those filling vacancies are to be mailed the forms not later than the seventh day after the date of appointment. TEX. LOC. GOV'T CODE, §159.005(b).

*Counties with 125,000 or more population:* County clerk required to mail, or at the request of the filer send by electronic mail, two copies of financial disclosure forms to the justices of the peace who are not candidates in the general primary election. TEX. LOC. GOV'T CODE, §159.005. Appointed officers and those filling vacancies are to be mailed the forms not later than the seventh day after the date of appointment. TEX. LOC. GOV'T CODE, §159.005(b).

### April 2010

By April 1 or as soon thereafter as practicable, the chief appraiser is to mail written notice to certain single-family residence property owners of appraised value or property. TEX. TAX CODE, §25.19(a).

Last month commissioners court may determine whether the county election precincts to comply with law and make boundary changes (some exceptions apply). TEX. ELEC. CODE, §42.031(a).

**April 5:** First day of early voting by personal appearance for the primary runoff election. TEX. ELEC. CODE, §85.001.

**April 5, 5 p.m.** — Deadline to certain candidates in the primary runoff election to file pre-election report of political contributions and expenditures. TEX. ELEC. CODE, §254.064. *Actual receipt by the deadline required.*

**April 9:** Last day of early voting by personal appearance for runoff primary election. TEX. ELEC. CODE, §85.001.

**April 13:** Primary runoff election day. TEX. ELEC. CODE, §41.007(b).

**April 21-23, 2010: County Management Institute,** Doubletree North Austin Hotel, Austin.

**No later than April 24:** If drought conditions exist (determined by the Texas Forest Service), commissioners court in counties located not more than 100 miles from Texas-Mexico border may adopt an order regulating the use of certain fireworks for the Cinco de Mayo fireworks season. TEX. LOC. GOV'T CODE, §352.051.

**April 30:** Deadline for commissioners court to order county election precinct boundary changes to comply with its March or April determination. TEX. ELEC. CODE, §42.031(a).

**April 30, 5 p.m.** — Judge of a statutory county court or statutory probate court is required to file a verified financial statement with county clerk or State Ethics Commission. TEX. LOC. GOV'T CODE, §159.052.

**April 30, 5 p.m.** — *Counties with 100,000 or greater population.* The county judge, county commissioners and county attorney are required to file a verified financial statement with county clerk in the county in which the person resides. TEX. LOC. GOV'T CODE, §159.001, §159.003 and §159.004(a). Failure to file is a Class B misdemeanor. TEX. LOC. GOV'T CODE, §159.008(b). A \$1,000 civil penalty may also be assessed. TEX. LOC. GOV'T CODE, §159.010(c). If delivered by mail or carrier, cancellation or receipt mark before the deadline is proof of timeliness of filing.

*Counties with 125,000 or more population.* The justices of peace are required to file a verified financial statement with county clerk in the county in which the person resides. TEX. LOC. GOV'T CODE, §159.001, §159.003 and §159.004(a). Failure to file is a Class B misdemeanor. TEX. LOC. GOV'T CODE, §159.008(b). A \$1,000 civil penalty may also be assessed. TEX. LOC. GOV'T CODE, §159.010(c). If delivered by mail or carrier, cancellation of receipt mark before the deadline is proof of timeliness of filing.

# House Select Committee to Analyze Texas' Emergency Preparedness



**By Aurora Flores-Ortiz,**  
*TAC Legislative Staff*

Speaker Joe Straus created the House Select Committee on Emergency

Preparedness to review Texas' response to disasters and better prepare for future incidents. The committee is charged with comprehensively studying the state's level of preparedness and making recommendations for major disasters, including those resulting from natural catastrophes and acts of terrorism.

Through this committee, counties will receive some much needed help and support. The Legislature recognizes that counties lead the local response on natural disasters and serve an important communication role in Texas' and the nation's Homeland Security plan. Because of the role they play, counties will want to follow the progress of the committee's work.

The 11-member committee will study existing systems to find out how emergency services were managed in the past, then determine which procedures worked effectively during past disasters and which could be improved within local regions. The committee also will review previous studies of past emergencies to determine if progress has been made.

The group, chaired by Representative

Aaron Peña (D-Edinburg), will examine how the state can streamline its resources and better work with local regions. As part of its work, the committee will review previous responses to see where gaps might exist and find better ways to deploy equipment and human resources.

counties, municipalities and other regional partners to ensure that we make a thorough examination of our state's emergency preparedness."

Though the topic and scope of work is broad, the committee will work to carry out goals aimed at reducing vulnerability and responding



*Credit: istockphoto.com*

"The committee will hold several hearings across the state in which we will examine critical infrastructure entities, state and local emergency planning organizations, warning systems, evacuations, first response efforts, and multijurisdictional coordination," Peña said. "We will be working with

and recovering from all disasters. The committee will complete its study with a report to the full House and make legislative recommendations for making Texas safer.

For more information, please contact TAC Legislative Staffer Aurora Flores-Ortiz at (800)456-5974 or [aurorafo@county.org](mailto:aurorafo@county.org). ★

# President Proposes \$3.8 Trillion Budget



By Laura Garcia,  
*TAC Legislative Staff*

**O**n Feb. 1, the Obama administration released its proposed budget totaling approximately \$3.8 trillion for FY 2011. As part of the package, the President is proposing a three-year moratorium on discretionary domestic spending.

The proposal includes a \$25.5 billion extension of the enhanced Federal Medical Assistance Percentage for Medicaid through June 2011, which will aid states in alleviating the ongoing strain generated by Medicaid costs. The administration also proposes creating a Rural Innovation Initiative which is aimed at fostering economic development and job creation in rural areas. The initiative would be funded by a set-aside of \$280 million from 20 existing Department of Agriculture programs.

With respect to criminal justice funding, the administration proposes funding the Community Oriented

## More Information

For a more detailed overview of the President's budget proposal drafted by the National Association of Counties (NACo), please visit <http://tiny.cc/ozvSC>.

Policing Services program at \$600 million, which is more than twice as much as the FY 2010 amount. The Second Chance Act (which is geared toward decreasing recidivism), the Byrne Justice Assistance Grants (which provide funding for criminal justice-oriented projects), and the State Criminal Alien Assistance Program (which helps reimburse counties for the costs of housing undocumented immigrants in county jails), all received the same funding levels as FY 2010.

The President's proposal also eliminates all funding for the Energy Efficiency and Conservation Block Grant Program, which provides grants to local governments for various energy efficiency projects. The program was initially funded at \$3.2 billion by the American Recovery and Reinvestment Act.

## House Passes Jobs Bill — Senate Now Considering Legislation

The U.S. Senate is presently considering legislation aimed at stimulating job creation. The U.S. House passed its own jobs-oriented bill in December — the “Jobs for Mainstreet Act of 2010” (HR 2847), which focuses on job creation and includes funding for local governments. The House version of the bill includes targeted investments for transportation (approximately \$37 billion), water/wastewater infrastructure (\$2 billion), and law enforcement jobs (\$1 billion to help retain and hire law enforcement officers), among other funding. The legislation also includes \$23.5 billion to extend the enhanced Medicaid Federal Medical Assistance Percentage through June 2011, which will aid state Medicaid budgets. Funding for the bill stems from redirected Troubled Asset Relief Program funds.

The current version of the Senate bill is not as expansive as the House version and focuses more on private sector investments. It does, however, reauthorize the Highway Trust Fund until the end of 2010. The Senate is expected to vote on the bill soon. ★



*Credit: istockphoto.com*

# Work Smart!

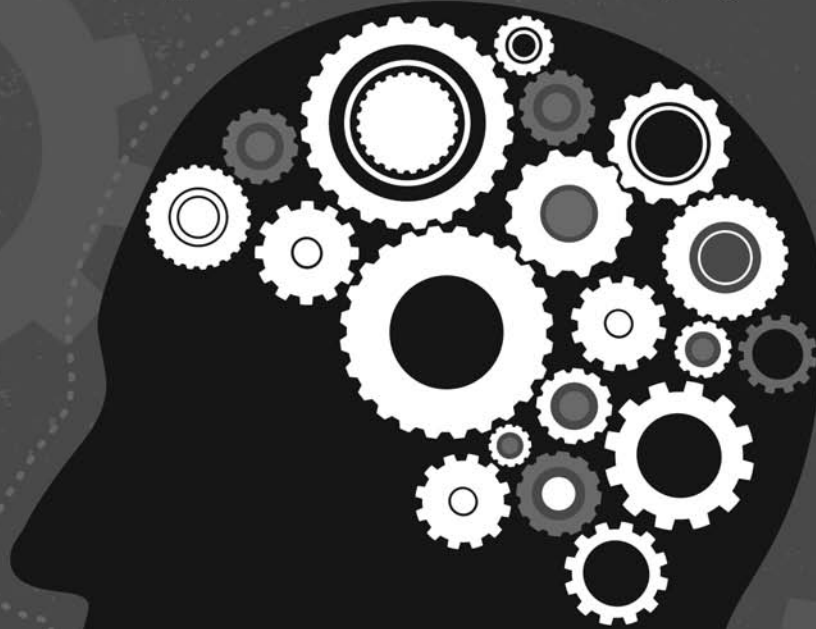
## Challenges in the new decade

Texas Association of Counties • 2010 County Management Institute

Doubletree Hotel, 6505 N I H 35, Austin, TX 78752

**April 21-23, 2010**

Register online at [www.county.org](http://www.county.org)



# Resources, Naturally Planning the future of groundwater



**By Paul J. Sugg,**  
*TAC Legislative Staff*

## **What do you want the future to look like?**

We are not often given the opportunity to answer a question like this with any certainty, but some of us might get the chance to have some influence on the future of the state's groundwater resources. This will be accomplished by groundwater management experts agreeing upon the desired future condition of the aquifers managed by groundwater districts.

Since 1904, Texas groundwater has been ruled by the law of the biggest pump or, more diplomatically, the rule of capture. With a number of exceptions, the rule of capture allows landowners to pump as much water as they choose without being liable for claims from surrounding landowners that the pumping caused their wells to go dry or diminished their production. (The Texas Supreme

Court established this principal in 1904 in *Houston & T.C. Ry Co v. East*, often called the East case). In more recent years, the court has reaffirmed the rule of capture and deferred to the Legislature regarding the regulating of groundwater; the Legislature has stated its preferred method for regulating groundwater is the creation of groundwater conservation districts.

When the court arrived at its decision in 1904, it noted the general and particular knowledge of groundwater — how it acted, how it moved — was lacking, and without that adequate knowledge, the court was hard-pressed to go beyond affirming the rule of capture: *"Because the existence, origin, movement and course of such waters, and the causes which govern and direct their movements, are so secret, occult and concealed, that an attempt to administer any set of legal rules in respect to them would be involved in hopeless uncertainty, and would be, therefore, practically impossible."*

Thankfully, science has progressed a bit since then, and we have a greater (albeit unperfected) understanding of the water underneath us. Local groundwater districts, together with the Texas Commission on Environmental Quality and the Texas Water Development Board (TWDB), work toward a better understanding of the water underground. Back in 2005, the Legislature passed a law designed to encourage regional cooperation and collaboration among groundwater districts in a groundwater management areas (GMA). The districts within each of state's 16 GMAs are directed to conduct joint planning and, through a process which includes assistance from and cooperation with TWDB and regional water planning groups, to establish the desired future conditions for their groundwater resources. The determination of the desired future

## **Groundwater**

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*Credit: istockphoto.com*

# Governments Focus Attention on Health Information Technology



By Rick Thompson  
*TAC Legislative Staff*

**V**arious government organizations have identified health information technology (IT) as an important component in the effort to revamp and improve the current health care safety net system. Most recently, Congress has identified health IT improvement as a primary goal for reducing health care costs and improving access to care. With national health care expenditures reaching \$2.2 trillion, the use of technology to electronically collect, store retrieve and transfer clinical, administrative and financial health information can help create more efficiency within the health care

## For More Information

To view interim charges from the Texas Legislature relating to health IT, visit <http://www.county.org/resources/legis/session/index.asp> and click "County Related Interim Charges."

system. Other benefits include prevention of medical errors, improved health care quality, increased administrative efficiencies and decreased paperwork. Health IT can also be useful for public health concerns, including early detection of infectious disease outbreaks and tracking of chronic disease management.

According to the National Conference of State Legislatures, "health care has yet to be transformed by the information technology revolution that has swept the U.S.

economy." But the country is looking in this direction. Many state and federal committees recognize the value of and are interested in the advancing technology in the health care industry. In fact, a portion of the recently distributed stimulus money was designated for this purpose. In a recent report to the Texas House Select Committee on Federal Economic Stabilization Funding, the Texas Health and Human Services Commission reported that approximately \$3.9 million has been allocated to Texas to "create a plan to incentivize health care providers for adopting meaningful use of electronic health records, with the goal of improving patient care."

The National Association of Counties (NACo) has also identified health IT as an important part of the local health care delivery system. NACo passed the following resolution: "The federal government should support the integration of health information technologies into the local health care delivery system. NACo supports the President's goal of implementing a nation-wide system of electronic health records in five years. NACo supports efforts to promote the use of a range of information technologies to facilitate appropriate access to health records and improve the standard of care available to



Credit: istockphoto.com

## Health IT

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# County Information Project to Prepare Redistricting Data for Counties



By Tim Brown,  
*CIP Senior Analyst*

**T**he TAC County Information Project (CIP) will assist counties with redistricting by preparing customized data for their use. This effort should reduce the work, and presumably the costs, of consultants hired by the counties to assist with redistricting.

Since December 1975, Congress has required the US Census Bureau to provide state legislatures with the “small area census population tabulations necessary for legislative redistricting.” In addition, states are able to define small areas for which specific data tabulations are desired. These small areas include census block boundaries, voting districts and state legislative districts. The Census Bureau must transmit the total population tabulations to the states by April 1, 2011.

The redistricting data set contains a lot of extra information, such as number of households — information that is used elsewhere, but not at the local level in Texas. TAC, through the CIP, will remove the extraneous data and consolidate some additional data fields. For example, CIP will group the various races into the categories listed below.

TAC will then publish one data set per county on a public access Web site where it can be accessed by any interested party, including county officials, vendors and the public. Each data set will identify the population down to the census block level by ethnicity and

race using the following categories.

- Anglo
- Asian
- Black
- Hispanic (anyone who identifies him or herself as Hispanic, regardless of the racial categories he or she selects)
- Other

The data set will include the total population for each category and the number in each category for the voting age population. Note that beginning in the 2000 Census, Hispanic was no longer considered a race, but an ethnicity. Therefore, a person can be any race (or combination of races) and also be considered Hispanic or non-Hispanic. In the categories listed above, only non-Hispanics will be counted as Anglo, Asian, Black and Other.

The CIP will also include percentages of the ethnic and racial categories in each census block. However, the data will not be limited to just census blocks. All geographies up to the county level will be included, such as block groups, census tracts and towns.

At this time, the CIP is still in the planning stage for this project. County officials interested in providing input to the planning process are encouraged to contact Tim Brown, senior analyst, County Information Project, at [timb@county.org](mailto:timb@county.org) or (512) 478-8753.

In particular, if you have a need to retain additional data, such as number of households, or to add another category, please let us know. At a later date, TAC will publish the Web site address where the data will be posted. ★

## Groundwater

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conditions for these groundwater resources will be accomplished by September of this year.

Groundwater is important to the present and future of Texas: it represents 59 percent of the water used in the state. Groundwater feeds springs, creeks and rivers and thus is an essential component of the state’s surface water resources. This interaction between groundwater and surface water bears greater study, as does the impact of long-term drought on rainfall and, ultimately, groundwater and surface water levels.

An additional issue complicates this: the question of regulatory takings. Does setting a desired future condition for an area, and in effect, placing pumping limits, constitute a taking of private property? That’s a question for the lawyers and, in fact, there is a case currently before the Texas Supreme Court asking that question and there are a good number of people interested in the answer (*The Edwards Aquifer Authority and the State of Texas v. Burrell Day and Joel McDaniel*).

So there it is: by taking in and weighing all these complex political, legal and scientific factors, we can, as a people, determine what we want our groundwater resources to look like in the future. By carefully husbanding these resources, we can at least take an educated stab at predicting and arriving at a sustainable future for the groundwater resources of our state.

After all, this is the whole purpose of the state water planning process begun in 1997 by SB 1, to ensure generations unseen and unknown will have adequate water resources to live their lives. Or we can choose a more rapid depletion and an uncertain future for those that follow. We are a free people: the choice is ours. ★

## For More Information

For more information about redistricting data, visit [www.census.gov/rdo/about\\_the\\_program](http://www.census.gov/rdo/about_the_program).



# TOOLS FOR TOUGH TIMES

## *Counties Sharing Solutions*

TEXAS ASSOCIATION of COUNTIES  
**2010 Annual Conference & Expo**  
Renaissance Hotel • Austin • Sept. 1-3

Recent economic changes present Texas counties with unique challenges. The 2010 Texas Association of Counties Annual Conference offers attendees an opportunity to share problems and solutions with peers who face similar issues. The Annual Conference provides an environment for county officials to collaborate and use peer resources to develop ideas and create tools to get through these tough times.

The 2010 TAC Annual Conference emphasizes peer networking, drawing upon the knowledge and experience of fellow county officials and staff. Breakout sessions feature roundtable discussions on county issues where attendees discuss their challenges and share ideas. The conference also prepares attendees for the next legislative session by highlighting proposed laws and interim charges that affect counties.

**Registration and Accommodations**  
TAC now accepts credit cards for your registration fee! Visit [www.county.org](http://www.county.org) today to register online.

Early registration is now open with a special fee of \$230. After Aug. 16, the registration fee increases to \$255. Spouse registration is \$30 and provides admittance to all conference programs, including the opening evening reception and a special spouse event on Thursday afternoon.

The host hotel is the Renaissance Austin Hotel, 9721 Arboretum Blvd., Austin, 78759. When you register for the conference you will be able to make your hotel reservations.

If you register for the Annual Conference online, a link for reserving a room at the Renaissance Hotel will be provided with your registration confirmation. If you fax your conference registration and provide an email address on the registration form, hotel reservation information will be sent to you via email.

**Hotel Rates**  
Single Rate \$126/night  
Double Rate \$126/night  
Plus applicable taxes (15 percent) and parking fees

#### **Parking Rates**

Self-Parking: free  
Overnight Valet: \$11  
Day Only Valet: \$14

#### **Continuing Education**

This conference is an opportunity for most elected officials to acquire continuing education hours. We are applying for credit for the following offices - county and district attorneys, auditors, county and district clerks, commissioners, justices of the peace, PHR and SPHR, purchasing agents, tax-assessor collectors, TCLEOSE and treasurers. Visit the Education Center at [www.county.org](http://www.county.org) for updates on continuing education credits as they are approved.

#### **Expo**

The Conference Expo showcases vendors offering services you can use. More than 100 companies will be on hand with a variety of goods and services designed specifically for counties.



# State Sales Tax Continues to Fall



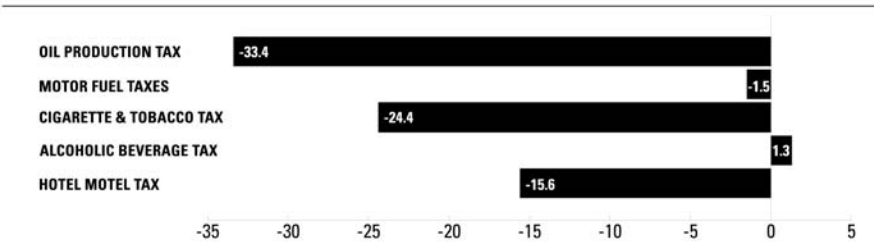
By Paul Emerson,  
TAC State Financial Analyst

The state sales tax collections in January fell by 14.2 percent compared to the same period last year, making this most recent month the 12th consecutive month of decline. Collections for January 2010 totaled \$1,655.3 million, which showed a slight improvement compared to previous collections in December 2009. However, the state sales tax for January 2009 marks the third-highest month of collection (\$1,928.3 million) in state history. The other two highest collections both occurred in 2008 — August collections were \$2,002 million and November collections were \$1,983 million. Comptroller Susan Combs expects the state sales tax to turn around sometime in the second quarter of 2010.

The 6.25 percent state sales tax is one of the key indicators used in determining the state's fiscal condition. As shown in the chart below, other indicators have also shown a significant decline in revenues, but the alcoholic beverage tax has stayed relatively positive during the first quarter of FY2010 (September through November). This chart represents a percentage change in the first quarter of FY2009 compared to the same time period in FY2010. The sales tax on cigarettes and tobacco was noticeably lower, which may be due to the increased cost of cigarettes in 2007.

## Fiscal Year-to-Date: November 2009

\*Percentage Change YTD/YTD



Source: Fiscal Notes, December 2009/January 2010; Texas Comptroller's Office.

Comparison Between FY2009 and FY2010: First Quarter (September through November)

## Local Sales Tax

For February 2010, \$618.2 million in local sales tax was allocated to Texas cities, counties and special districts, whose sales taxes were down by 7.1 percent compared to this time last year. However, independent of other units of local government, counties fared the worst. Sales tax allocation to counties was \$35.1 million, down 15.1 percent compared to February 2009.

For more information, contact Paul Emerson, TAC State Financial Analyst, at (800) 456-5974 or [paule@county.org](mailto:paule@county.org). ★

## Health IT

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patients, while protecting privacy. This includes deployment of broadband technologies to the widest possible geographic footprint. Other tools facilitate evidence-based decision making and e-prescribing. Using broadband technologies, tele-medicine applications enable real-time clinical care for geographically distant patients and providers. Remote monitoring can also facilitate post-operative care and chronic disease management without hospitalization or institutionalization."

Interim studies at the state level also place an emphasis on updating and upgrading health information technology. Committees exploring these charges include Senate Health and Human Services, Senate Intergovernmental Relations Subcommittee on Flooding and Evacuations (9-1-1 operations), House Committee on Appropriations, House Committee on Public Health, and the House Select Committee on Federal Economic Stabilization Funding. With the federal stimulus money coming and the possibility of more federal grants resulting from the passage of a federal health care overhaul bill, state and local government must take action to prepare for this initiative. Several interim committees will look into various aspects of health IT, including new technology for 9-1-1 services and a health care information exchange through which different technology systems can work together.

Health care technology will continue to be an important part of creating efficiencies at all levels of health care. As other committees look into these efficiency opportunities, their progress will be reported in future editions of *County Issues*. ★

# TCJS Hears County Jail Updates



By Laura Nicholes  
*TAC Legislative Staff*

**D**uring the Texas Commission on Jail Standards (TCJS) first quarterly meeting of 2010, 10 counties appeared before the commission to answer questions, make requests or report on the progress of correcting jail deficiencies. The commission heard updates from agency staff on jail population and construction projects and discussed proposed changes to standards as well as the potential 5 percent state agency budget reduction. The commission also held the first in a new series of informal workshops following scheduled commission meetings.

Reports filed with TCJS show that county jails were housing more than 4,400 fewer inmates on Jan. 1, 2010 than during the same time in December 2009. County jails are operating at 70.76 percent capacity with only three jails at or above 100 percent. In addition, 33 jails are in the planning stages, 16 jails are under construction, 215 jails are in compliance, 35 jails are non-compliant and 17 jails are closed.

Of the 10 counties appearing before the commission, two counties requested variances for the number of beds in single and multiple occupancy cells. The issue of variances is also one which has been proposed for change in the minimum standards (Texas Administrative Code, Chapter 299.3). The TCJS received a request from criminal justice and public policy organizations suggesting an additional question be added to the application for variance. The addition would

question a county's use of alternatives to incarceration and reentry programs in its effort to reduce recidivism. Since a variance is intended, in the majority of circumstances, to be a temporary measure to assist counties in unique circumstances until a permanent "fix" is in place, the question would allow for an evaluation of a county's overall effectiveness in managing jail population. The proposed change will be posted for public comment in an upcoming edition of the Texas Register.

In an effort to educate newer commission members and thoroughly discuss items of interest to the commission and county jails, TCJS has begun hosting informal workshops following its regularly scheduled commission meetings. This month the workshop addressed TCJS's role in the legislative process, recommendations for proceeding with rule updates, best practices to assist counties in lowering

their costs, how other states handle mental health courts, and the anticipated 5 percent budget reduction for the coming biennium.

Proposed state agency budget cuts were due to the Governor's Office and the Legislative Budget Board by Feb. 16. The Texas Commission on Jail Standards has identified three areas where cuts may be made with the least amount of impact to goals and services for a targeted total savings of \$104,684 for the 2010-2011 biennium:

- Indirect Administration (\$40,000): reductions will include a decrease in the agency director's flexibility to travel and meet with county officials to discuss resolutions to existing and potential issues impacting jail compliance;
- Auditing Population (\$30,000): on-site training for jail population reports

## **County Jails**

*continued on page 13*

## Help Tell the County Story

Want to help spread the word at the Capitol about the innovative, cost-effective programs counties provide their constituents? Want to keep your legislators in the know about county issues?

Join the TAC Core Legislative Team and help tell the county story to the Legislature. Many opportunities are available for you to participate in the legislative process. You may:

- contact your local legislators in person, by phone or in writing
- provide testimony (written or verbal) at a committee hearing
- complete a witness card for or against legislation at a committee hearing

If you are interested in participating on the Core Legislative Team, please print the form located at [www.county.org/resources/legis/session/CoreLegislativeTeamInformation.pdf](http://www.county.org/resources/legis/session/CoreLegislativeTeamInformation.pdf) and fax it to (512) 478-0519, Attn: Legislative Department.

# TAC Needs Your Input: 2010 Salary Survey



By Tim Brown,  
*CIP Senior Analyst*

**T**he Texas Association of Counties recently kicked off the 2010 Salary Survey by sending out a survey form to all 254 counties. For those unfamiliar with this survey, TAC collects information on the salaries of all elected county officials and county auditors. Additional questions cover such items as the county budget, number of budgeted positions in the county and the outstanding value of county bonds.

County officials have utilized the TAC Salary Survey for more than a decade. It is the most comprehensive source for county official salary comparisons. Other surveys may collect data on more positions (jailers and network administrators, for example), but they typically include a relatively small number of counties. TAC collects county officials' salaries from across the state.

Once the data is collected, TAC will publish the results — probably in late May, possibly sooner. TAC's goal is to get the survey results into your hands no later than June 1. How much sooner depends on how quickly respondents return the requested data. TAC's second goal is for at least 240 counties to participate in the survey. Some counties have responded very quickly — 97 as of the morning of Thursday, Feb. 18 (see map). Achieving this second goal, however, will likely require sending out multiple requests.

In the past, multiple contacts have occurred when the survey form was sent to the wrong county office. For example, in 2008 TAC sent the survey form to the same offices that responded to the previous salary survey. Unfortunately, organizational changes occurred in some counties between mailings, resulting in the survey going to incorrect offices.

## Want to fill out the salary survey online?

A copy of the survey form, with instructions, is available on the TAC Web site at <http://www.county.org/resources/countydata/>.

Once TAC discovered the error, it was easy to get the survey form to the right office; however, this illustrates one of the larger challenges with collecting county data — to whom do we send the information request?

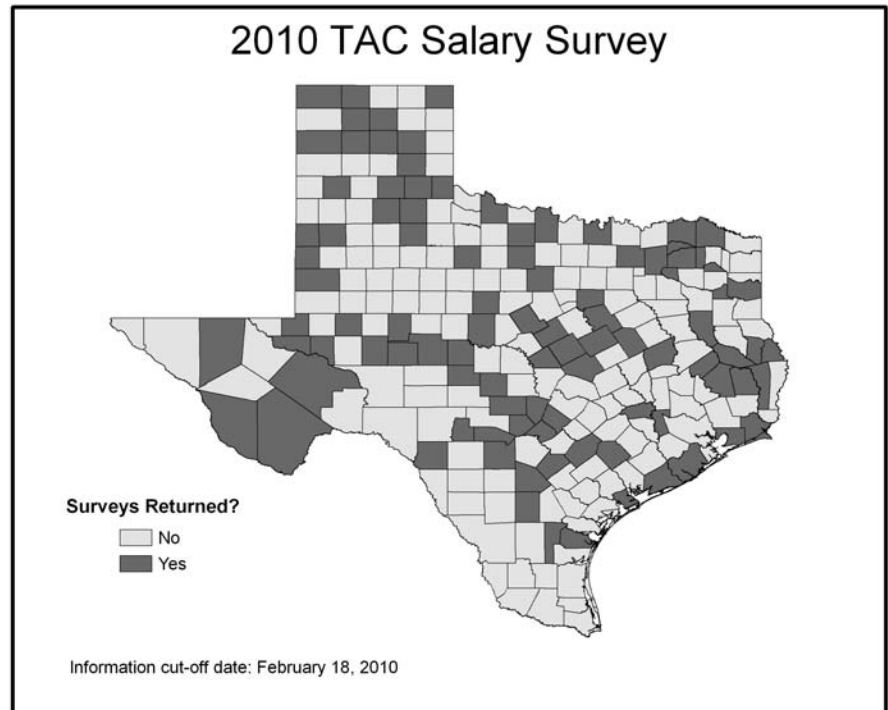
TAC mailed 508 salary survey forms at the beginning of February. Of that number, 254 were courtesy copies sent to county judges. The other 254 were divided among the offices TAC relies on to provide the salary data — 208 copies were sent to county treasurers, 33 to county auditors, 10 to human resource directors and three to personnel directors.

If you receive a copy of this survey — or any TAC survey — in error, please forward it to the appropriate county

office. If you are in the appropriate office and have not received a copy of the survey form, please see the information box instructions for filling out the survey online.

Once TAC has collected salary data from at least 240 counties and published the report, a copy will be mailed to the office of whoever answered the survey and one copy will be sent to the county judge's office. In addition, the report will be published in PDF format on the TAC Web site at [www.county.org/resources/countydata/financl.asp](http://www.county.org/resources/countydata/financl.asp).

For more information about this article, contact Tim Brown, senior analyst, County Information Project, at [timb@county.org](mailto:timb@county.org) or (512) 478-8753. ★



For an updated map, please visit [www.county.org/resources/countydata/salary/SurveysReceived.jpg](http://www.county.org/resources/countydata/salary/SurveysReceived.jpg).

## County Jails *continued from page 11*

will be eliminated and counties will need to provide financial resources in their jail budgets to accommodate expenses related to attending these trainings at the TCJS headquarters in Austin; and

- Construction Plan and Review (\$34,684): facility needs assessments and on-site technical assistance regarding construction will be eliminated resulting in counties having to schedule technical assistance meetings at the TCJS Austin headquarters; any onsite meetings will be conducted in conjunction with previously scheduled annual inspections.

Commission staff will review minimum standards and a discussion of

revisions will continue in May, along with a more thorough discussion on the impact of the budget cuts. The proposed TCJS budget reductions may

be viewed at [www.tcjs.state.tx.us](http://www.tcjs.state.tx.us). For more information, contact Legislative Staffer Laura Nicholes at (800) 456-5974 or via e-mail [LauraN@county.org](mailto:LauraN@county.org). ★



Credit: istockphoto.com

# 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](http://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

# Medicine Match

Isn't it great when doing something good for employees turns out to be smart for your county too?

According to the Center for Disease Control, chronic conditions—problems like diabetes, high blood pressure, high cholesterol, and asthma—account for about 70 percent of all health care spending. TAC's Medicine Match program is designed to help control these common conditions, so counties can have greater control of their health care expenses.

TAC's Medicine Match offers participants a 50 percent reduction in co-pays for medicines that matter: insulin, beta-blockers and other blood pressure medications, statins and inhalers. All we ask

in return is that the employee work in partnership with registered nurses to stick to their doctor's treatment plan.

And it's working! Medicine is more affordable and we are reducing emergency room visits and costly hospitalizations because people are taking the medication they need to stay healthy.

Medicine Match is one of many wellness programs, aimed at lowering health costs and boosting employee productivity, offered to members of TAC's Health and Employee Benefits Pool (TAC HEBP).

To become a member of TAC HEBP, or if you are already a member and want to learn more about TAC's Healthy County wellness program, please call (800) 456-5974.



## AG Opinions Issued

**GA-0757:** Honorable John Mark Cobern, Titus County Attorney, whether the Behavioral Health Unit of the Titus Regional Medical Center is a "private facility" for purposes of section 118.055, Local Government Code. **Summary** A court would likely conclude that the Behavioral Health Unit of the Titus Regional Medical Center, as part of the Titus County Hospital District, is not a "private facility" for purposes of section 118.055, Local Government Code.

**GA-0758:** Honorable René O. Oliveira, Chair, Committee on Ways & Means, Texas House of Representatives, whether the South Texas Water Authority may adopt an effective tax rate under the provisions of chapter 26 of the Tax Code. **Summary** Pursuant to subsection 49.107(g) of the Water Code, the Legislature has prohibited the South Texas Water Authority from utilizing the procedures and calculations in sections 26.04, 26.05, and 26.07 of the Tax Code

to adopt its tax rate.

**GA-0759:** Mr. Robert Scott, Commissioner of Education, Texas Education Agency, Authority of a licensing agency to obtain criminal history information regarding an applicant. **Summary** Subchapter D of chapter 53 of the Texas Occupations Code authorizes a potential applicant for a business, professional, or occupational license to request from the licensing authority a criminal history evaluation letter regarding the person's eligibility for the license. The State Board for Educator Certification (the "SBEC") is authorized to require that such a request contain any information necessary to allow an investigation and a determination as to eligibility on the basis of the criminal conviction or deferred adjudication set out in the request. What information may be necessary for that purpose is a matter within the reasonable discretion of the SBEC in the first instance.

Under section 53.104(b), a licensing authority must consider all the evidence relevant to the determination of eligibility with respect to the conviction or deferred adjudication at issue that is reasonably available to the agency at the time of issuing the criminal history evaluation letter. What information is "reasonably available" in this context is largely a question of fact that must necessarily be determined by the licensing authority in the first instance.

**GA-0760:** Honorable Yvonne Davis, Chair, Committee on Urban Affairs, Texas House of Representatives, authority of a sheriff to accept a fee from a private organization that contracts with the sheriff's county to operate the county jail. **Summary** Neither the Texas Constitution nor Texas statutes authorize the person holding the office of county sheriff to be paid an administrative fee by a private organization. ■

## AG Opinions Requested

**RQ-0851-GA:** Honorable Kurt Sistrunk, Galveston Criminal District Attorney, proper method of valuating homesteads damaged by Hurricane Ike.

**RQ-0852-GA:** Honorable Senfronia Thompson, Chair, Local and Consent Calendars, Texas House of Representatives, whether a particular activity constitutes an offense under chapter 47 of the Penal Code, which proscribes certain forms of gambling; or under sections 2001 and 2002, Occupations Code, which regulate bingo.

**RQ-0853-GA:** Honorable Allan B.

Ritter, Chair, Natural Resources, Texas House of Representatives, conflict of interest scenarios applicable to the Uvalde County Underground Water Conservation District under chapter 171, Local Government Code.

**RQ-0856-GA:** Honorable Scott Brumley, Potter County Attorney, method by which a hospital district may set a tax rate after failing to do so since 1996.

**RQ-0857-GA:** Honorable Burt R. Solomons, Chair, State Affairs, Texas House of Representatives, whether a

property tax lien lender may exercise a right of forced sale after a property owner who has filed a deferment of taxes attains the age of 65.

**RQ-0858-GA:** Honorable Frank J. Corte Jr., Chair, Defense and Veteran's Affairs, Texas House of Representatives, Whether an abortion facility may use either a pre-recorded telephone message or a one-way conference call to provide the information required to be provided by section 171.012(1), Health and Safety Code. ■



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# From the Legislative Desk

*By Carey "Buck" Boethel, Director of Governmental Relations*

## More Than Counting Flowers on the Wall

**T**he House Research Organization is a prolific group of legislative research analysts hired by the Texas House of Representatives. The Jan. 21, 2010 focus report entitled *Census 2010: Implications for Texas*, by Tom Howe, contains some very informative, interesting and useful information, some of which has been set out herein.

The U.S. Census Bureau will recruit 1.2 million temporary workers to gather and compile census data for the 2010 Census. Workers will be paid between \$8 and \$24 an hour depending upon the positions and the regional wage scale. Temporary jobs will begin in March 2010 and will last somewhere between five and 10 weeks. Texas will house 39 regional offices and employ approximately 84,000 temporary workers, with most serving as enumerators (door to door census takers).

The figures taken from the process are used in calculations to determine the number of U.S. House seats apportioned to each state and the boundaries of each state's congressional and state legislative districts and many local government districts. The U.S. Constitution, Art. 1, sec. 2, and in the

14th Amendment, sec. 2, requires a census every 10 years in order to distribute among the states the 435 voting seats of the U.S. House of Representatives. Each state is guaranteed at least one seat. The remaining 385 are allocated through a mathematical formula using population figures taken from the decennial census.

Population changes can affect the distribution of House seats and the allocation of almost \$600 billion a year in population-based funding to state and local governments. The Texas population now exceeds 24 million and is second only to the California population, which has more than 36 million people. The 2010 Census will determine the population of the United States as of April 1, which is known as Census Day. The Census Bureau must complete the national and state counts by Dec. 31 and report them to the President. Within the first week of the next session of Congress that follows completion of the census, the President must report to Congress each state's population and the number of representatives to which each state is entitled.

According to the state demographer, each person not counted in Texas will result in a loss of \$13,500 in federal funds over the next decade to Texas state and local governments. The Census Bureau has counted illegal immigrants since 1790, as the Constitution requires a full count of all persons. The homeless also are counted where they are on April 1.

The census has special rules and procedures for counting people who live in group quarters, such as college dorms, nursing homes, prisons and military barracks. People who live in group quarters will be counted as residing there. The goal of the census is to tie each person to the geographic location of their usual residence as of April 1, 2010. A usual residence is where a person resides for more than six months of the year. People without such a residence will be counted wherever they are on April 1, 2010. For more information on this subject, anyone interested in securing the entire HRO publication can visit the HRO at [www.hro.house.state.tx.us](http://www.hro.house.state.tx.us).

**County Government, it's the pulse of the people. ★**