Juvenile justice technology to save counties money



By Laura Nicholes,
TAC Legislative Staff

Anew comprehensive, web-based case management system

designed for use in juvenile probation departments across the state will enable counties to coordinate their records and save money through software cost sharing.

The Juvenile Case Management System (JCMS) allows juvenile probation departments access to real time data, records, assessments and other reporting and case management tools between counties and, eventually, across agencies serving juvenile offenders. JCMS will be an effective and affordable replacement for the 20-year-old Caseworker System currently being used by the state and juvenile probation departments.

How will this new juvenile justice reporting and case management system improve information sharing and save counties money? For starters, JCMS Basic is an upgraded reporting system that meets all state standards and requirements. It is the work product



funded by three counties — but will be made available to all counties at no cost (thanks to funding from the 81st Legislature). Lisa Capers, Texas Juvenile Probation Commission (TJPC) deputy executive director and general counsel, testified about the software during a Sept. 29 joint hearing of the House Committee on Corrections and the Appropriations Subcommittee on Criminal Justice.

"Juvenile cases move quickly—
they move in days or weeks as opposed
to months or years in the adult system.
In order to make good choices, timely
information is needed," Capers said.

JCMS Basic will allow counties to access and share data so each county will know what services, assessments or programs have already been utilized and duplication of services can be avoided. This should allow counties to stretch their financial resources. Additionally, the system will eventually connect not only juvenile probation departments, but also prosecutors, judges, treatment professionals, schools, detention centers, and other agencies such as the Texas Youth

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KEY COUNTY DATES

December 2010

Dec. 2: Deadline for county clerk to deliver an electronic report of precinct results to the secretary of state. TEX. ELEC. CODE, §67.017.

Dec. 7 – **16: 2010 TAC Newly Elected Officials Training (NEO).** Preparing to take office: A prep school for newly elected officials. Various locations.

Dec. 7. NEO Training, Conroe, TX, La Torretta Resort.

Dec. 7. NEO Training, Lubbock, TX, Overton Hotel.

Dec. 8. NEO Training, Tyler, TX, Holiday Inn Select.

Dec. 8. NEO Training, Midland, TX, Hilton Midland Plaza.

Dec. 9. NEO Training, Waco, TX, Hilton Waco.

Dec. 9. NEO Training, Abilene, TX, MCM Elegante Suites.

Dec. 14. NEO Training, McAllen, TX, Renaissance Casa de Palmas.

Dec. 14. NEO Training, El Paso, TX, Marriott El Paso.

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, C216.03(k).

Dec. 16. NEO Training, San Antonio, Omni at the Colonade.

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 2011

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

January. District and county attorneys must notify attorney general of their post office addresses as soon as practicable after their election. TEX. GOV'T CODE, \$41.002.

January. Commissioners court may appoint at least seven residents to the county historical commission during January of odd-numbered years. TEX. LOC. GOV'T CODE, §§318.002 and 318.003.

Jan. 1. Effective date of valuation of property on tax rolls. TEX. TAX CODE, \$23.01.

Jan. 3. Deadline for voter registrar to file annual registration report with 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). Deadline extended.

Jan. 18, 5 p.m. Deadline for semi-annual report of political contributions and expenditures by candidates and certain officeholders. TEX. ELEC. CODE, §\$254.063(c), 254.093(c) and 254.095. If delivered by mail or carrier, cancellation or receipt mark before the deadline is proof of timeliness of filing. Deadline extended.

Jan. 30. Deadline for road and Bridge expenditure report due to state comptroller. TEX. TRANS. CODE, §256.009.

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Commission and possibly Local Mental Health Centers, whose goals are to effectively and efficiently serve the needs of juvenile offenders.

"This software product was built by juvenile probation departments for juvenile probation officers; JCMS is far and away the best software product available for case management and since counties will be sharing the costs of the web based system they

will be saving hundreds of thousands of dollars a year," said Don Lee, executive director of the Conference of Urban Counties (CUC).

Access to the JCMS Basic, the replacement version of Caseworker, is scheduled to begin in 2011. The Enhanced version, which is not required in order to meet state reporting standards, will be available for all counties to purchase, if they

choose, in 2012.

JCMS is the result of a cooperative effort between the CUC TechShare Program and the TJPC. In 2006 Dallas, Tarrant and Bexar counties recognized the need to improve data collection and sharing between juvenile probation departments and began a joint development initiative through

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Costs of services and legislative concerns lead Coffee With TAC discussion



By Aurora Flores-Ortiz,
TAC Legislative Staff

n late October,
Wichita County
hosted 23 local
officials from eight

north Texas counties. Judges William Davenport of Jack County and Woody Gossom of Wichita County opened the meeting and welcomed the group to Wichita Falls. Gossom introduced Texas Association of Counties (TAC) Assistant Executive Director Rex Hall and TAC legislative staff Aurora Flores-Ortiz and Paul Sugg. The meeting began with TAC staff explaining the goal of the informal pre-legislative discussion was to provide the opportunity for open discussion on topics of ongoing local concern in light of the January 2011 legislative session.

The 82nd Session's increasing budget shortfall prompted questions about unfunded mandates being passed down to local governments. Discussion revolved around whether additional budget cuts at the state agency level would be imposed. Even in tough budget times, jail costs and mental health issues cannot be overlooked because incarceration is driving growth in county budgets. Existing cuts in mental health programs are already being felt locally; jails have more inmates who might otherwise be mental health patients. A suggested change for counties included placing more

inmates in the indigent health care category in order to avoid costly penalties for mistakenly categorizing them initially. Audience members also stressed the need for additional county funding for indigent defense.

Housing inmates and extraditions with out-of-state warrants were other costs mentioned. Existing staff shortages have also resulted in

printed compliance check list to use before inspectors come to the area, and developing an additional measure to use in the overall compliance score. Officials also cited the need for more local control in setting DWI laws, receiving more timely returns of drug related results from DPS labs, and obtaining more funding for regional transportation.



County officials gather in Wichita Falls for a Coffee With TAC event, which focused on the upcoming legislative session.

detention officers being trained as mental health officers, which creates additional overtime costs. Officials discussed cost saving measures such as the possibility of a regional jail run by the state and using video conferencing for inmate hearings.

Needed changes in standards and compliance for jails prompted hearty dialogue. Because inspection uniformity varies greatly, officials discussed using a different type of weighted inspection, having a preIn closing, TAC staff thanked the audience for attending and emphasized TAC's role of listening to local issues and addressing those concerns. Also highlighted was the need for good communication to better serve all counties during the legislative session.

For more information on this article, please contact Aurora Flores-Ortiz at (800) 456-5974 or aurorfo@county.org. ★

State sales tax collections show slight increase



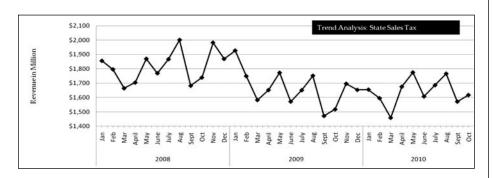
By Paul Emerson,
TAC State Financial Analyst

The state sales tax has gradually shown positive increases during the past seven months.

Earlier this month, Comptroller Susan Combs released the state sales tax collections for October 2010, which reflects sales in

September. The numbers were up 6.6 percent compared to last year during the same period. The state collected \$1,617.7 million last month compared to \$1,517.9 million in October 2009. So far, the sales tax collections for September and October 2010 have shown significant gains — 6.8 percent and 6.6 percent, respectively. But when the current sales tax collections are compared to what may be considered a typical, non-recession collection period in 2008, October 2010 figures are substantially less — by \$122 million. The chart below shows how state sales have performed over a period of three years. Right now, the chances of recouping last year's losses is unlikely; the state anticipated revenue for FY2010 that ended this past August fell short by \$2 billion.

With the ongoing recession, it is difficult to foresee the economy turning around quickly — especially now that the state projected shortfall has reached



\$24 billion.

With less than 50 days before the 82nd Legislative Session begins, there is no indication that the Comptroller's office is going to officially update its Biennial Revenue Estimate (BRE) for FY2010-11 or for the next two-year budget cycle.

According to the most current BRE, which was issued on Jan. 12, 2009, 65 percent of the state tax revenue will come from the sales tax.

The Legislative Budget Board (LBB) is in the process of preparing the appropriations bill that will be introduced as a house bill this coming session. Designated as HB 1, it likely will be released within the first three weeks of January 2011. The LBB also adopted a legislative appropriations limit of \$78.1

Collections

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CUC's TechShare Program.

TechShare projects are mutual efforts in which participants save money by sharing the cost of research and development. In order to ensure the developing system would be compliant with state reporting requirements and standards, the expertise of the Texas Juvenile Probation Commission was solicited.

Testimony provided by the
Juvenile Probation Commission on
Sept. 29 states that "The Texas
Juvenile Justice System currently
has 168 independent computer
systems collecting juvenile case data
in 254 Texas counties. Each of the
current 168 systems operates
independently of each other affording
little if any sharing of information
among the counties about juvenile
offenders or the programs and
services they have been provided."

Capers assured the committee that privacy and security of records is the most critical feature in the development of JCMS. Capers said JCMS is a "role based system" and access to different types of information is based on a right-to-know or need-to-know basis; in other words, access to information is restricted to a user's role in the process.

Dallas, Tarrant and Bexar counties pooled their financial resources and each contributed approximately \$3 million dollars toward the research and development of the system. Lee says, "It cost \$9.5 million to build JCMS. Any county would spend at least \$5-6 million to build a similar system, but instead, each county spent \$3 million."

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Resources, Naturally

Responsibility to transportation endures



By Paul J. Sugg, *TAC Legislative Staff*

Since the time of the ancients, a sound transportation network has been central to the

continued economic, social and political health of a nation-state or empire. Crumbling roads and bridges and harbors presaged later, more striking and ultimately insurmountable failings. Because the construction and maintenance of roads was understood to be vital to the continued success of these nation-states or empires, it was not left to chance — the state marshaled its resources and bent those resources to that end. Empire — Persian, Roman or Meso-American — used its brute force to ensure roads were built and maintained.

The free peoples of later republics, including our own, stood on principles opposite imperial coercion yet understood the need for effective public transportation networks. The success of any res publica depends on the essential ability of a people to be self-governing. This self-governing idea recognizes individual and collective responsibilities and among these significant collective



Responsibility: Something for which one is responsible; a duty, obligation, or burden.

responsibilities is the funding of the construction and maintenance of an adequate transportation infrastructure.

Transportation Advocates of Texas, Inc., as we have previously noted, is a coalition of people and organizations with a common goal, to kill congestion, to build the transportation infrastructure the state needs to keep people and goods moving, to improve

the economy and our overall quality of life. Their members include regional transportation representatives, business and chamber of commerce leaders, road contractors, private citizens and county officials.

This next session will be filled with challenges and obstacles, but the duty of meeting our responsibilities as a free people remains. *

For More Information:

For more information, visit www.texastransportation.org.

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In 2009 the Legislature appropriated \$3.5 million to the Texas Juvenile Probation Commission to become an equal partner in JCMS and to purchase the source code. This will allow the commission to continue

efforts in the development of JCMS, secure the right to disseminate the Basic application to all juvenile probation departments free of charge and protect the state's investment in JCMS by insuring

access for future modifications.

For additional information on this article, please contact TAC Legislative Staffer Laura Nicholes at (800) 456-5974 or lauran@county.org. **

Justice Department considers accessibility mandates for local government websites

9-1-1 accessibility also under review



By Laura Garcia,

TAC Legislative Staff

The U.S. Department of Justice (DOJ) is considering adopting regulations that could

impose new accessibility mandates on local government websites.

Specifically, the department is considering revising the regulations implementing Title II of the American

with Disabilities Act (ADA) to establish requirements for making the services, programs or activities offered by state and local governments to the public via the Internet accessible.

The Justice Department
published an advance notice of
proposed rulemaking in the
Federal Register regarding this
matter, in order to solicit public
comment on various issues
relating to the impact of any

new accessibility regulations. In the advance notice, the DOJ maintains that Title II of the ADA applies to state and local government websites and that the department is "exploring what regulatory guidance it can propose to make clear to entities covered by the ADA their obligations to make their websites accessible."

The DOJ asserts that many websites fail to incorporate or activate

features that enable users with disabilities to access elements of the entire site. For example, individuals with hearing disabilities may be unable to access information on web videos or other multimedia presentations without captions. Individuals with vision disabilities may not be able to read websites that do not allow modifications of the font size or the color contrast of the site's page. Additionally, the department maintains



that many online forms are often not accessible to disabled individuals.

The department is seeking comment on various aspects of the potential proposed rules, including matters relating to accessibility standards, coverage limitations, compliance issues, the effective date, the cost and benefits of website regulations, and the impact on small entities. For example, the notice seeks

input on any additional costs
associated with creating and
maintaining accessible websites. It is
also soliciting comments on the ability
of covered entities to make their
websites accessible with in-house
staff. Furthermore, the notice seeks
comment on whether the department
should take an incremental approach in
adopting accessibility regulations, e.g.,
whether the regulations should initially
apply to entities of a certain size or

certain categories.

The department is also soliciting comments on possible regulations relating to the accessibility of Next Generation 9-1-1 services by individuals with disabilities, including matters relating to text and video communications, local Next Generation 9-1-1 plans, and any undue financial or administrative burdens that the potential regulations might impose.

The DOJ is accepting comments on these rulemaking matters until Jan. 24, 2011. To read the entire advance notices of proposed rulemaking, including details on how to submit comments, please visit www.ada.gov/anprm2010.htm.

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

Integrating Technologies:

THE FUTURE IS NOW

TEXAS ASSOCIATION of COUNTIES

9th Annual Courts and Local Government Technology Conference

Jan. 25-27, 2011 • Embassy Suites Hotel and Conference Center • San Marcos, Texas Education Co-Sponsor: Lyndon B. Johnson School of Public Affairs, University of Texas at Austin

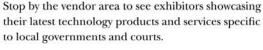
The 9th Annual Courts and Local Government
Technology Conference provides technology education
specific to Texas courts and county and city governments.
If you are in charge of the technical strategic direction for
your county or city or are involved in making technology
processes work, this is the one conference you can't afford to
miss. Join us for sessions on the ethics behind social media,
options in cloud computing, following data trails, legislative
bills affecting technology, video magistration and more.
Choose from four break-out education tracks on day one and
targeted sessions for the remainder of the conference. We
discuss new technologies that work, don't work, or are in the
works for courts and local government.

HOTEL INFORMATION

The conference site is the Embassy Suites and Conference Center in San Marcos, 1001 E. McCarty Lane just off IH 35 at the Outlet Mall exit. To receive the conference room rate of \$109 when reserving your hotel room, please request the Texas Association of Counties room block. The hotel block reservation deadline is Jan. 7.

CO-SPONSORS

The 2011 conference is co-sponsored by the Texas Municipal Courts Education Center, the Texas Justice Court Training Center, the Judicial Committee on Information Technology, the County Information Resources Agency and the Texas Association of Counties.



CONTINUING EDUCATION

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

REGISTRATION

Registration for the entire conference is \$150 before Jan. 3 and \$175 after Jan. 3.
Registration is transferable.
Requests for refunds (minus a \$10 administration fee) should be submitted in writing by Jan. 3.
After Jan. 3, refunds will be subject to an administrative fee equal to half the registration fee. Online registration is available at www.county.org.



County Affairs goes on the road



By Rick Thompson, TAC Legislative Staff

■he House Committee on County Affairs traveled

the state over the past month hearing testimony on issues important to counties.

"I believe it is important to hear from people where they live and in their environment. If we could have gone to every county in the state, we would have," said County Affairs Chairman Garnet Coleman (D-Houston).

County officials and other professional representatives provided the committee with detailed information on the various charges during stops in San Antonio, Fort Worth, McAllen, Tyler, Houston and El Paso and Austin.

A majority of the testimony focused on a Interim Charges no. 1 and 4.

Much of the testimony on Charge No. 1 involved a discussion about limited local option authority for counties, with voter or commissioners court vote approval, where counties at the local level could determine what authority they need, if any.

"I understand there needs to be a change in authority of counties to control or regulate growth and nuisances, and this new authority should be permissive," Coleman said. Testimony from a representative of the

Interim Charges

Interim Charge No. 1:

Study the current practices and tools available to counties to manage growth and development. Consider incompatible land uses and county rulemaking authority, including rulemaking authority bracketed to counties of a certain population.

Interim Charge No. 4:

Examine how local governments can better inform the public about local government debts.

Texas Homebuilders Association expressed concerns about expanded county authority, saying the cost of homes could increase County Affairs through fees and certification, which



Chairman Garnet Coleman (D-Houston)

could ultimately price out more homebuyers.

Local government officials' testimony on Charge No. 4 highlighted how the debt process is already transparent. Citing the many opportunities for public input, open meetings and posting requirements, county officials reaffirmed their support for transparency and gave detailed testimony on the current system for incurring debt.

The committee had its final meeting in Austin on Nov. 16 to hear testimony on all charges before submitting the interim report to the Speaker of the House by Dec. 1.

As the final road hearing took place, Coleman extended a "thank "I believe it is important to hear from people where they live and in their environment."

> - County Affairs Chairman Garnet Coleman

you" to all county officials who participated in this process.

"It made me feel good to see serious people concerned about solving problems in the community," Coleman said. "The dedication and time commitment made by county officials was impressive."

Coleman closed by stating, "I would like some feedback on how county officials felt about the committee going on the road, and I want them to understand that this is not the end but only the beginning of the process heading into next session."

For additional information on this article, please contact TAC Legislative Staffer Rick Thompson at (800) 456-5974 or rickt@county.org. ★



Attorney General Opinions Issued

GA-0810: Honorable Florence Shapiro, Chair, Committee on Education Texas State Senate, meaning of the words "bid" and "proposal" for purposes of chapter 44 of the Education Code and chapter 71 of the Natural Resources Code. Summary An independent school district's use of the word "proposal" in the title of an invitation to participate in the competitive process to lease property for oil, gas, and mineral development does not, by itself, violate the terms of chapter 71 of the Natural Resources Code. Whether a particular political subdivision complied with that chapter in an effort to lease its mineral interests will involve a fact-intensive inquiry and construing the request, neither of which this office may do.

GA-0811: Mr. William Treacy, Executive Director, Texas State Board of Public Accountancy, Application of the fee exemption for certain certified public accountants who are employees of governmental entities. Summary Because the Brazos River Authority (the "River Authority") is, in its enabling legislation, designated a municipality, we believe a court would conclude that the River Authority is a municipal government for purposes of Occupations Code subsection 901.410(1). Accordingly, an employee of the River Authority who holds a license under the Texas Public Accountancy Act and otherwise qualifies for the exemption is exempt from the professional fees imposed under Occupations Code sections

901.406 and 901.407.

GA-0812: Ms. Mary Ann Williamson, Chair, Texas Lottery Commission, Whether bingo gift certificates and similar items constitute "noncash merchandise prizes, toys or novelties" under section 47.01(4)(B) of the Penal Code and whether certain business practices, which may be used by charities that conduct bingo to maximize their net proceeds, comply with chapter 2001, Occupations Code, and other applicable law. Summary Texas courts have repeatedly considered the legal status of eight-liner machines that award gift certificates redeemable at retail establishments or tickets redeemable for further play and have determined that those machines are gambling devices and do not meet the requirements for exclusion under subsection 47.01(4)(B) of the Penal Code. Similarly, a device that awards bingo cards or paper, card-minding devices and pull-tab bingo, or gift certificates redeemable for the same, is not rewarding the player exclusively with "noncash merchandise prizes, toys, or novelties," under subsection 47.01(4)(B) of the Penal Code.

GA-0814: Honorable Scott Brumley, Potter County Attorney, whether revenue from the sale of prepaid phone cards in a county jail commissary should be credited to the sheriff or to the general fund of the county. Summary Revenue from the sale of prepaid phone cards in the county jail commissary should be credited to the sheriff for the use of county jail inmates rather than to the general fund of the county.

GA-0816: Honorable Florence Shapiro, Chair, Committee on Education Texas State Senate, Authority of the Dallas County Commissioners Court to retain independent legal counsel in particular circumstances. Summary Although the Dallas County Criminal District Attorney has broad authority over most criminal matters and a duty to represent the state in those matters in Dallas County, he does not have a duty to represent Dallas County in all civil matters. However, the Dallas County Criminal District Attorney does have the power to select counsel and to determine the terms and duration of the engagement where the representation will include filing or defending a suit by or against the County.

While the Dallas County Criminal District Attorney is not barred from exercising this or any other power on account of his status as a state prosecutor under the statutory provision defining and constraining that office, he is subject to ethical rules governing conflicts of interest that could preclude him from selecting counsel. Whether such a conflict exists is a matter for the Criminal District Attorney and the County Commissioners to determine in the first instance and, barring agreement, as an ancillary matter for the civil court. ■

Attorney General Opinions Requested

RQ-0923-GA: Honorable Edmund Kuempel, Chair, Licensing and Administrative Procedures, Texas House of Representatives, whether the Eagle Pass Independent School District is subject to a municipal ordinance that requires the district to expend funds for certain kinds of infrastructure.

RQ-0924-GA: Honorable Edmund Kuempel, Chair, Licensing and Administrative Procedures, Texas House of Representatives, restrictions on a municipality's use of certain reserve funds originally generated from a hotel occupancy tax.

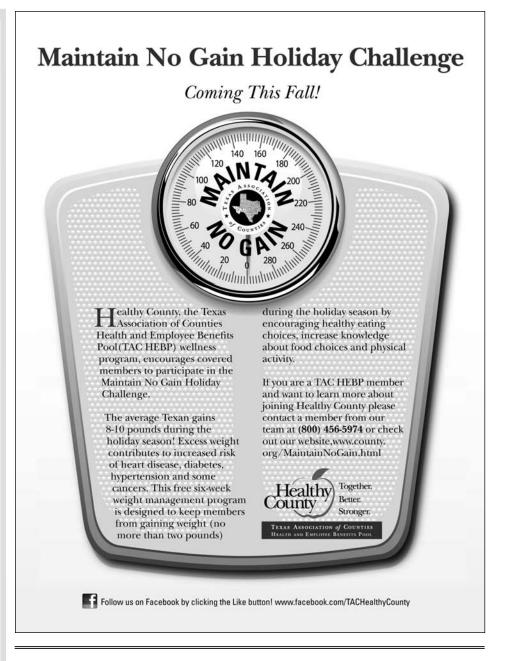
RQ-0925-GA: Honorable Jeff
Wentworth, Chair, Jurisprudence, Texas
State Senate, Meaning of the term
"enacted revenue measures" for
purposes of section 17.10 of article IX
of the 2010-2011 General
Appropriations Act, which relates to
the funding of rail relocation and
improvement.

RQ-0926-GA: Honorable Craig Eiland, Speaker Pro Tempore, Texas House of Representatives, whether a resort/conference center may operate a "card room" under particular circumstances.

RQ-0927-GA: Honorable D. Matt Bingham, Smith County Criminal District Attorney, whether volunteer assistant fire marshals may be designated as "reserve deputies."

RQ-0928-GA: Honorable Vince Ryan, Harris County Attorney, authority of the Harris County Department of Education to operate an on-site health clinic for its employees.

RQ-0929-GA: Honorable David K. Walker, Montgomery County Attorney, maximum salary payable to a presiding district court judge of a local administrative district. ■



Collections

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billion for the next fiscal biennium, which is partially based on the Comptroller's estimate of 8.9 percent personal income growth in the 2012-13 fiscal years.

At the end of this month, state agencies will again be asked to identify another 2 to 3 percent in budget cuts for the current biennium; in total, agency budget reductions are now between 7 and 8 percent. Agencies have been asked to reduce their budgets by 10 percent for 2012-13.

For more information on this article, please contact Paul Emerson, TAC state financial analyst, at (800) 456-5974 or paule@county.org. \star



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