

County *issues*

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Senate and House look at Government Reform

When the 78th Legislature announced committees last month, two new committees appeared on the forefront. The Senate Government Organization and House Government Reform Committees are charged with looking at the inefficiencies of state government.

The House committee held its first meeting on Feb.10 under the direction of Chairman David Swinford. During his opening remarks, Chairman Swinford stated that the committee would be looking at government efficiencies, inefficiencies and duplications and to do so the committee will be meeting on a regular basis.

In keeping with those opening remarks, the House committee met three times during the week of Feb. 10, including once in a joint session with its Senate counterpart. During that week, the committee heard from the Legislative Budget Board, the Comptroller's office, the State Auditor's office and the Sunset Commission. Most, if not all, of the testimony centered on the projected budget shortfall and the recommendations made by the Sunset Commission, the Comptroller's Office and the State Auditor's Office to address the inefficiencies in state government.

The recommendations of the Comptroller came from a report prepared earlier this year. *Limited Government, Unlimited Opportunity* was prepared by the e-Texas taskforce and reports to have identified savings and additional revenue of nearly \$1.7 billion in general revenue funds for the next biennium. Ruthie Ford, manager of Strategic Policy Initiatives with the Comptroller's office, testified that the e-Texas recommendations take around two years to develop and are thoroughly scrutinized prior to being published.

A few of the county related recommendations in the report are as follows:

- Increase usage of online government services
- Increase the availability of broadband internet services in the rural areas
- Use innovative financing techniques to build Texas roads
- Use a database to reduce the state's number of uninsured motorists
- Improve tax compliance and delinquent revenue collections with additional enforcement coverage
- Improve state and local sales tax collections
- Implement a disease management program for Medicaid patients
- Improve Texas' child immunization rate
- Maintain the current period of Medicaid eligibility for children; postpone implementation of expanded eligibility until fiscal 2006
- Enhance Medicaid payments to certain providers
- Increase Medicaid patient responsibility for health care use

The full report is available on the Internet at www.window.state.tx.us/etexas2003/.

[Please see Government Reform, continued on page 2]



Washington Watch

By Sue Glover

Governmental Relations Manager

CONGRESS FINALLY CLEARS SPENDING BILL FOR 2003

On Feb. 13 Congress finally cleared H.J. Res. 2, the omnibus appropriations bill which provides \$397.4 billion in fiscal 2003 spending for all Cabinet departments and government agencies covered in 11 unfinished spending bills. The included bills are: Agriculture, Treasury-Postal, Transportation, VA-HUD, Legislative Branch, Energy and Water, District of Columbia, Labor-HHS, Commerce-Justice-State, Interior and Foreign Operations.

Included in the omnibus package was funding for the President's First Responder Initiative. The President had called for funding of \$3.5 billion but according to Dalen

Harris of the National Association of Counties, the final amount appropriated totaled \$2.045 billion and includes:

- \$165 million for emergency management performance grants
- \$25 million for grants for interoperable communications equipment
- \$25 million for emergency operations centers
- \$60 million for existing Urban Search and Rescue Teams
- \$20 million for Community Emergency Response Teams
- \$750 million for Firefighter Assistance Grants
- \$1 billion for the Office of Domestic Preparedness (DOJ) for training exercises and equipment for fire, emergency medical, hazardous materials, law enforcement, and other first responders to prevent and respond to acts of terrorism, including incidents involving weapons of mass destruction or chemical or biological weapons.

We are in the process of determining Texas' share of the program. Officials with questions concerning this should contact Sue Glover at SueG@county.org or 800-456-5974. 🗺️

Additional Fee for Trauma Care Proposed

Trauma care funding continues to be of concern to legislators and accordingly a bill has been filed by Sen. Juan "Chuy" Hinojosa which would increase the motor vehicle registration fee. SB 387 amends Chapter 502 of the Transportation Code by adding Section 502. 1711 which would require a \$5 fee be added to the current motor vehicle registration fee.

The proposed legislation also provides that the county assessor-collector may retain an amount of not more than 10 percent of each fee collected, which shall be deposited in the general fund. The tax assessor shall petition the commissioners court for an amount necessary to administer the fee. The commissioners court can use funds, which are not allocated to the assessor-collector, for general purposes of the county.

The bill provides that the revenue generated by the additional fee will be deposited in the tertiary care account. The tertiary care account provides funding to reimburse hospitals for services delivered to indigent out-of-county residents. In 2001 the legislature provided that not more than five percent of the tertiary care account shall be allocated to the state to use as reimbursement payments for indigent health care counties which reach 8 percent of the General Revenue Tax Levy.

Senator Hinojosa filed similar legislation during the 77th legislative session when he was a member of the House of Representatives. The bill passed the House, but failed to make it out of the Senate.

For more information on this legislation, please contact Sue Glover at SueG@county.org or 800-456-5974. 🗺️

[Government Reform continued from page 1]

According to Sam Seale, executive director of the Texas Association of Counties, "the actions of these committees could have an enormous impact on county government, therefore the monitoring of committee

proceedings will be a high priority with the association legislative staff".

For more information concerning this article, please contact Sue Glover at SueG@county.org or 800-456-5974. 🗺️

County Affairs Committee Considering Several Bills

Below is a listing of the bills that have been assigned to County Affairs, as of Feb. 18.

House Bill 140 by West – Counties would be authorized to enact ordinances to protect the public health, safety and welfare in the as-filed version of this bill. House Bill 140 would add Chapter 230 to the Local Government Code, “General Regulatory Authority Of Counties” to allow commissioners courts to enact such measures. The bill is permissive.

The bill would further authorize a commissioners court to impose reasonable fees on those subject to the provisions of a particular ordinance as necessary to generate the revenue necessary to pay the costs of administering the ordinance. The violation of an ordinance’s provisions would constitute a Class C misdemeanor. If during the trial of such an offense a previous conviction of the chapter’s provisions is revealed, the offense would be a Class B misdemeanor. A county would be entitled to injunctive relief to prevent an actual or threatened violation of an ordinance, with the county attorney or another prosecuting attorney authorized to represent the county in district court.

In any conflict with a municipal ordinance within a municipality’s jurisdiction, the municipal ordinance would prevail. Additionally, the ordinance-making authority contained in this proposed chapter would replace the authority of a commissioners court to adopt under other law any orders or ordinances relating to the public health,

safety, and welfare. However, any orders or ordinances under other law prior to the effective date of the bill (if passed) would continue in effect as if they had been adopted under this proposed chapter.

HB 215 by Hamric and **HB 223** by Bailey – Both of these are bracketed for Harris County (“a county with a population of more than 3.3 million”). House Bill 215 would allow the commissioners court, by order, to prohibit or otherwise regulate the sale, possession, or use of fireworks in the unincorporated area of the county. House Bill 223 allows a commissioners court, also by order, to regulate sound and noise levels in the unincorporated area of the county.

HB 249 by Goolsby – This would raise the returned check fee that county clerks may charge from \$25 to \$30. This would bring this particular fee clerks may charge more in line with what other offices, including that of the treasurer, may charge for a returned check.

HB 389 by Pitts – Under current law, no later than the 10th day before a mass gathering is to be held, the county judge must conduct a hearing on the application to hold the gathering. This bill would change the hearing date to no later than the 15th day after the application is filed. At the completion of the hearing, the judge would be required to enter a ruling into the record granting or denying the permit. If the judge denies the permit, the event’s promoter “may cure deficiencies” and re-apply no later than five days after the denial of the permit. The bill also requires that an application include “the name and address of a designated party responsible for ensuring that the mass gathering occurs in accordance with the information stated in the application.” Any misrepresentation on the application would be a Class A misdemeanor. If the event is not in substantial compliance with the terms of the permit application, the county judge may, by order, terminate the mass gathering.

HB 463 by Gallego – This limits the duration of an employment contract with a political subdivision (including a county) to the length of the term a member of the governing body is elected to serve. The bill would also prohibit a political subdivision from making, as part of a severance package or some other agreement or settlement, a payment to an employee that would exceed the employee’s salary for half the time remaining on the employment contract. However, this language would not

Sheriffs Visit the Capitol

Texas Sheriffs celebrated their ‘Day at the Capitol’ Feb. 12. The one day event was organized by the Sheriffs’ Association of Texas (SAT) with assistance from the Texas Association of Counties.

Sheriff Chris Kirk, chair of the SAT Legislative Committee, said that 125 sheriffs from around the state were introduced to members of the House and Senate while each chamber was in session: “We thank House Speaker Tom Craddick, State Representative Terry Keel and State Senator Steve Ogden for preparing resolutions and introducing our group,” Kirk said.

Sheriffs had a group picture taken with Gov. Rick Perry and received special congratulations and thanks from Lt. Gov. David Dewhurst: “Sheriffs, we truly appreciate all you do to keep us safe,” Dewhurst said.

For more information regarding this article, contact Jozette Maxwell at 800-456-5974 or via email at JozetteM@county.org. 📍

[Please see County Affairs, continued on page 6]

TEXAS ASSOCIATION OF COUNTIES

2003

POST LEGISLATIVE CONFERENCE

August 13-15, 2003

Hyatt Regency on Town Lake – Austin

Every two years the Texas Legislature makes changes that directly affect Texas counties. TAC's Post Legislative Conference is designed to help county officials evaluate the impact of new laws and provide explanations by peers, legislators and other professionals. General sessions explore issues of common interest and smaller meetings review changes specific to each county office. Austin's Hyatt Regency on Town Lake is the host hotel. With each registration, you receive a free copy of TAC's 2003 Legislative Analysis Report.

Hit The Links

Plans are in the works for an organized golf outing on Tuesday afternoon, August 12th. To participate, golfers must register no later than July 18th. Fee is \$40.

Bring Your Spouse

Registration fee for spouses is \$30 and provides admission to all conference programs including the Wednesday evening party and a special Thursday morning event.

Continuing Education

Application will be made for continuing education credit for county commissioners, tax assessor-collectors, county and district clerks, sheriffs, treasurers and auditors.

Registration and Accommodations

TAC will process both conference registration and hotel reservations. Conference registration is required to obtain reservations in the hotel room block.

Texas Association of Counties
2003 POST LEGISLATIVE CONFERENCE
 August 13-15, 2003 • Hyatt Regency on Town Lake, Austin

CONFERENCE REGISTRATION

Please complete and submit with applicable fees to Post Legislative Conference, Box 2131, Austin, Texas 78768 by July 18, 2003.

Cancellation Policy: Conference registrations are fully transferable to another individual but requests for refunds (less \$10 administrative fee) must be received in writing by Monday, August 4, 2003. Refunds after that date will be limited to one-half of the registration fee.

NO REFUND REQUESTS WILL BE HONORED AFTER SEPTEMBER 1, 2003.

Name _____
 County _____ Title _____
 Phone _____ Email _____
 Address _____

Staff: For planning purposes please indicate the office/official that you work for: _____

Spouse Registration

Spouse Full Name _____

Spouse registration fee includes admission to all General Sessions, Wednesday Evening Event and Thursday Spouse Activity.

Registration Fees:

	Earlybird Postmarked By 7/18/03	Postmarked After 7/18/03 & At-door
Registration	<i>(Check space that applies)</i>	
Member county attendee	_____ \$225	_____ \$250
TAC Associate member	_____ \$225	_____ \$250
Non-member – government	_____ \$275	_____ \$300
Non-member - corporate	_____ \$425	_____ \$450
Spouse	_____ \$30	_____ \$30
Extra tickets for Wednesday evening event	_____ \$30 /ticket	_____ \$30 /ticket
Tuesday golf tournament fee	_____ \$40	not available
Total	_____	_____

HOTEL RESERVATIONS

DUE TO TAC NO LATER THAN JULY 18, 2003

To obtain hotel accommodations at special rates in the conference room blocks, your hotel reservation request and conference registration form must be received in the TAC offices no later than July 18th. Reservation requests after that date should be directed to the hotels. In most cases, non-conference rates will then apply if space is available. Registration and hotel reservations may be faxed to 512-477-1324. The Association reserves the right to reassign rooms if conference fees are not received within 30 days.

Please supply full information for hotel reservations:

Last Name _____ First Name _____
 Phone Number _____ Roommate Name _____

Arrival Date ____/____/____ Departure Date: ____/____/____

Preferences: Double/king bed; smoking/non-smoking, etc.

Special Services: To ensure our conference is ADA accessible to all, please contact the Education Staff at 1-800-456-5974 if you require special assistance.

Please check your preferred hotels

Indicate first choice with 1. Then number other choices from 2-6 in the order of preference. If your first choice is unavailable, a reservation will be made at the next available hotel according to your ranking. Each reservation requires a one-night deposit and/or credit card guarantee in order to secure/guarantee the reservation. Please note, a one-night deposit may be charged to your credit card by the hotel at the time the reservation is made.

Hotels *(indicate preference by number with #1 indicating first choice.)*

	Single Rate	Double Rate	Office Use
Only			
_____ Hyatt Regency	\$133	\$133	
_____ on Town Lake(HQ hotel)			
_____ Embassy Suites	\$149	\$149	
_____ Radisson Hotel & Suites	\$ 85	\$105	

Hotel Deposit: TAC will confirm your conference registration and hotel assignment within 5 working days of receipt. Hotel rooms must be appropriately guaranteed for reservations to be held. The fast and easy way to accomplish this is to supply complete credit card authorization information below OR mail a one-night deposit directly to the hotel after you receive your hotel room assignment.

Credit Card Authorization:

_____ MasterCard _____ Visa _____ American Express

Expiration Date _____

Card Number _____

Cardholder's Name _____

The Texas Association of Counties is authorized to use the above card to guarantee my hotel reservation. I understand that one night's room charge will be billed through this card if I fail to arrive for my assigned housing on the confirmed date unless I have canceled my reservation directly with the hotel according to required cancellation procedures.

Cardholder's Signature _____

Please do not mail hotel deposit to TAC.

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[County Affairs continued from page 3]

limit the amount that could be paid to an employee for other benefits accrued during employment.

HB 465 by Talton – Under current law, in order to compensate the county for the accounting and administrative expenses incurred in handling registry funds that have not earned interest, the county or district clerk is entitled to a fee, at the time of withdrawal of an amount equal to 5 percent of the withdrawal, but not to exceed \$50. This bill would reduce the amount of the fee to 3 per cent of the withdrawal, not to exceed \$30.

HB 494 by Jesse Jones – This increases the amount of the courthouse security fee from \$5 to \$10.

HB 526 by Todd Smith – This permissive bill would allow the records management officer to prepare a vulnerability assessment report on a local government's computers, computer networks, software or data. The report would not be subject to the Open Records Act (Chapter 552, Government Code), although a summary of the report, without any sensitive information regarding any vulnerability would be made available to the public.

HB 544 by Jesse Jones – Currently, in a county with a population of 3.3 million or more, commissioners court may set a court cost, not to exceed \$7, for persons convicted of Class C misdemeanors in justice courts. This bill strikes the population bracket entirely and mandates the setting of the court cost.

HB 550 by Wohlgemuth – This bill is identical to HB 249 by Goolsby (see above).

HB 554 by Chisum – This bill would require a county or precinct officer to go through the grievance procedure prior to filing a lawsuit over the officer's salary, office and travel expenses. It also would allow a county or precinct officer to utilize the grievance procedure to challenge the amount of "salary, office and travel expenses or other allowances" allocated to the officer in the county's annual budget. Currently an officer can only use the grievance procedure to challenge salary "or personal expenses."

HB 608 by Denny – This provides for the selection of alternate public members to serve on the salary grievance committee, in the event that a public member is unable or unwilling to serve on the committee.

HB 620 by Keel – Adds language to Section 157.901, Local Government Code which would entitle a county official sued by the official's own county "for an action arising from the performance of a public duty" to have commissioners court retain and pay private counsel to represent the official. The bill would allow the official to

sue commissioners court, if necessary, to receive the legal representation and to receive attorney's fees if the official prevails in that suit. The bill would also allow a private attorney employed under this section to sue the county to collect payment and to receive attorney's fees if the attorney prevails in the suit.

HB 635 by Jesse Jones – Under current law, public members of the salary grievance committee are chosen by commissioners court in January of each year. This changes the date of selection of public members to no later than 15 days after the request for a hearing before the committee. If there were no requests for hearings, commissioners court would not be required to choose the public members. Currently, the grievance committee must meet within 10 days of the request for a hearing. Under this proposed language, the committee could hold a public hearing within these current time limits or no later than the 10th day after commissioners court appoints the public members of the committee.

HB 663 by Van Arsdale – Section 113.902, Local Government Code states that the county treasurer " . . . shall direct prosecution for the recovery of any debt owed to the county, as provided by law, and shall supervise the collection of the debt." This adds language to allow the county attorney to recover attorney's fees and investigative and court costs incurred on behalf of the county in recovering a debt owed the county and may recover the fees and costs " . . . in the same manner as provided by law for a private litigant." This change in law would apply to a proceeding to recover a debt brought on or after the effective date of the bill (September 1, 2003).

HB 686 by Lewis – Current law exempts county commissioners (with exceptions) in a county with a population of 1.5 million or more from the continuing educational requirements in Section 81.0025, Local Government Code (16 hours at least once in each 12-month period). This bill would lower that population bracket to 1.3 million.

HB 722 by Guillen – The bill applies to a county with no incorporated municipality in it and would grant the commissioners court of the county all the powers of the governing body of a Type-A municipality, as well as the authority a commissioners court would normally exercise. If a municipality is incorporated in the county, "the authority of the commissioners court to exercise a power

[Please see County Affairs, continued on page 7]

Bill Addresses Role of County in Creating Special Districts

As filed, SB 414 by Senate Intergovernmental Relations Chairman Sen. Frank Madla, amends Chapter 53, regarding the process for the creation of a fresh water supply district (FWSD). Current law gives commissioners court jurisdiction over determining the sufficiency of a petition to create such a district and addresses the role of public testimony in the process.

The proposed language explicitly allows supporting or opposing testimony from any person whose land is either included in the proposed district or would be affected by the new district. The bill adds Section 53.0195, directing a commissioners court to approve or deny a petition for creation of a FWSD, depending on whether or not the following criteria are met:

- the organization of the district is feasible

and practicable;

- the land to be included and the residents of the proposed district will be benefited by the creation of the district
- there is a public necessity or need for the district; and
- the creation of the district would further the public welfare.

If a commissioners court finds that any land to be included in the proposed district would not benefit from being included in the district, the court may exclude that land "... and shall redefine the boundaries of the proposed district to include only the land that will receive benefits from the district."

For more information, contact Paul Sugg at 800-456-5974 or Pauls@county.org. 📍

Timing on Selection of Grievance Committee Being Reviewed

Senator John Carona and Rep. Jesse Jones, both of Dallas, have filed bills to change the date on when a commissioners court is required to appoint public members to the grievance committee. Senate Bill 189 and HB 635 would amend Sections 152.015(a) and (c), Local Government Code to provide that within 15 days of receiving a request for a grievance committee hearing, the commissioners court will appoint the public members. The committee will be required to hold a public meeting within 10 days of the date of the request for the hearing or from the date the commissioners court selects the public members to serve on the committee.

Currently, the commissioners court makes the selection

for public members in January of each year. However, as has been pointed out by numerous county officials during the Texas Association of Counties' Legislative Breakfast, the county budget is not even prepared until later in the year – this makes finding public members to attend the grievance committee difficult, because many have moved or are no longer interested in serving.

The Senate bill considered and referred out of the Senate Intergovernmental Relations Committee on Feb. 19 and the House companion has been referred to the House County Affairs Committee.

For more information on this legislation, please contact Sue Glover at SueG@county.org or 800-456-5974. 📍

[County Affairs continued from page 6]

under this section expires on the date of incorporation" as far as any authority the county has not acted upon under any authority granted under this bill. If commissioners court has already acted upon such authority, the court may continue to do so until the 180th day after the incorporation, after which any such authority expires.

HB 790 by Nixon – This bill amends portions of subchapter B, Chapter 262, Local Government Code, in part

to clarify the role the county purchasing agent plays in the design/build process. The bill also adds "goods and services required and used" to the list of items the county purchasing agent is directed to purchase. 📍

DO THE RIGHT THING

APRIL 2-4, 2003

DOUBLETREE HOTEL
6505 INTERSTATE
HWY. 35 NORTH
AUSTIN, TEXAS

"THE BASIS OF EFFECTIVE
GOVERNMENT IS PUBLIC
CONFIDENCE, AND THAT
CONFIDENCE IS ENDANGERED
WHEN ETHICAL STANDARDS
FALTER OR (EVEN) APPEAR TO
FALTER." -JOHN F. KENNEDY

COUNTY MANAGEMENT

TEXAS ASSOCIATION
OF COUNTIES

COUNTY MANAGEMENT INSTITUTE 2003
• TEXAS ASSOCIATION OF COUNTIES •
ETHICS AND ACCOUNTABILITY

ACCOUNTEES
• ETHICS AND ACCOUNTABILITY • 2003

Ethics and accountability in government is of utmost concern to Texans and is the theme of the 2003 County Management Institute.

The news of corporate America "cooking the books" brings the importance of ethics in all aspects of government and business to the forefront. This year's Institute will shed some light on the often-gray areas of ethics in public service with notable speakers in general sessions and four concurrent tracks that include general management, finance for small and mid sized counties, human resources and risk management. Keynote speakers include veteran lawmaker and former dean of the LBJ School Max Sherman, and Mac McGuire, former Lt. Colonel in the Texas National Guard who is regarded as a highly motivational speaker with an uncanny sense of humor.

CONCURRENT TRACKS

- **General Management.** Managers and their staff will acquire valuable information to help them perform more effectively. Sessions include the "Company You Keep" and "Management in Government."
- **Human Resource Management.** Texas attorneys will clarify and update the Fair Labor Standards Act, Health Insurance Portability and Accountability Act, Fair Credit Reporting Act and Equal Employment Opportunity Commission.
- **Finance Management.** Let's get to the *nuts and bolts* of budgets for small and midsize counties. Sessions will examine the budget process, hear from an authority on the new county fiscal reporting model and obtain information about financial reporting that must be complied with in each county.
- **Risk Management.** This track explores accident investigations as a way to prevent severe injuries or fatalities; the costly issue of mold in the workplace; ways to provide affordable health care for employees; the escalating costs of Workers Compensation and what can be done about it.

CONTINUING EDUCATION

Applications are filed with the appropriate governing bodies to approve continuing education hours for auditors/CPAs, clerks, commissioners, tax assessor-collectors, treasurers and certified law enforcement officers claiming Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) hours.

HOST HOTEL

Enjoy the convenience and comfort of the Doubletree Hotel, located close to shopping and restaurants at 6505 Interstate Hwy.35 North in Austin. Call (800) 222-Tree or (512) 454-3737 for reservations. Refer to the Texas Association of Counties' County Management Institute room block to receive special rates.

Single - \$80.00 *

Double - \$99.00 *

REGISTER BY MARCH 11 AND SAVE!

The cost for early registration is **\$175**. Take advantage of these low rates by making your reservations early. Those reservations made after March 11 will be **\$200**.

* Exclusive of applicable state and local taxes. Complimentary self-parking is available. After **March 11, 2003** all rooms are subject to availability and **price increase**.

Cancellation Policy

The conference registration fee is transferable to another person within your organization to attend this conference without additional charge. Request for refunds must be submitted in writing (fax acceptable) by March 31. An administration fee of \$10.00 is charged for all requests received in the Association office by **March 31**. After **March 31**, the administration fee is one half the registration fee.

Look for more information on TAC's website, www.county.org and watch for a mailer.

SCHEDULE OF EVENTS

WEDNESDAY, APRIL 2, 2003

9:00 a.m. – 5:00 p.m.	Registration
9:00 a.m. – 1:00 p.m.	Pre-conference meetings
1:00 p.m. – 5:00 p.m.	General Sessions
5:00 p.m. – 6:30 p.m.	Reception

THURSDAY, APRIL 3, 2003

8:30 a.m. – 5:00 p.m.	Concurrent Education Sessions
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FRIDAY, APRIL 4, 2003

8:30 – noon	General Sessions
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2003 COUNTY MANAGEMENT INSTITUTE REGISTRATION FORM

Name _____

County _____ Title _____

Address _____

City/Zip _____ Phone _____

Fax _____ Email _____

☐ Payment Enclosed ☐ Payment to Follow ☐ Please Invoice

Help us to provide appropriate meeting space and handout information by checking the track(s) below you plan to attend:

☐ Finance Management ☐ General Management ☐ Human Resource Management ☐ Risk Management

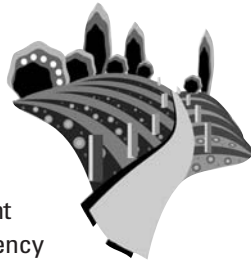
Complete registration form and return with payment to Texas Association of Counties, CMI 2003, P. O. Box 2131, Austin, TX 78768, FAX to (512) 477-1324 or register online at www.county.org

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Resources, Naturally

By Paul J. Sugg
Legislative Liaison



CANARY IN A COAL MINE

There is a matter being debated right now, at the moment before the state agency that issues permits to use surface water; it will no doubt also be the subject of some discussion by the Legislature this session. It is a matter that we, as a state and as a society, probably should have been giving more attention to in decades past; but the next drought-breaking rain or the promise of some new technology or another reservoir or a deeper well made us soon forget what is was we were supposed to remember to think about. Many of the ones that have been paying close attention to the matter have often been scoffed at or dismissed by the population at large – they've been called tree-huggers or self-righteous do-gooders that would put the needs of fish and other critters before those of man – folks just generally out of touch with the real world and the demands of our modern economy and society.

The dispute revolves around the efforts of members of the San Marcos River Foundation to ensure that the San Marcos River, along with the Guadalupe and the San Antonio Bay and estuary system (where water from the San Marcos and the Guadalupe meet the Gulf) survive the present and future demands of an ever-expanding Central Texas population. The foundation has decided to do what any other business, industry, agricultural producer or municipality must do in order to use the water of these and all Texas rivers – apply to the Texas Commission on Environmental Quality (TCEQ) for a permit, that is, a surface water right to be put to a beneficial use.

A 1998 study by the Texas Parks and Wildlife Department determined that 1.15 million acre-feet is the lowest freshwater inflow target value that fulfills the biological needs of the San Antonio Bay and estuaries on a seasonal basis (see *Freshwater Inflows to Texas Bays and Estuaries: Ecological Relationships and Methods for Determination of Needs*, TPWD, 1998).

To that end, the San Marcos River Foundation has made application to TCEQ for 1.15 million acre-feet for the Guadalupe and its estuary as well as a bit over 157,000 acre-feet for the San Marcos, for a total of 1.3 million acre-feet a year (an acre-foot is about 326,000 gallons). If the foundation were to obtain the water right, it plans to donate it to the Texas Water Trust. Created by the 75th Legislature, "[t]he Texas Water Trust is established within the water bank to hold water rights dedicated to environmental needs, including in-stream flows, water quality, fish and wildlife habitat, or bay and estuary inflows" (Section 15.7031, Water Code).

The permit application has drawn its share of fire and will no doubt continue to do so. The lieutenant governor himself has asked TCEQ to delay action on the application until the Legislature has a chance "... to clarify the Commission's authority to issue such a permit under Texas water appropriation laws". There will assuredly be legislation filed addressing the matter.

What will be the wisdom of the Legislature in all this? The state continues to grow and there are needs to be met. But most of our rivers are already over-appropriated: should we keep putting our straws into rivers to the damage of the overall health of those rivers and their ability to continue to supply us with water? Seems to me that keeping those natural systems in good health might help assure the same for all of us. 🇺🇸

Bill Directing Traffic Around Stationary Emergency Vehicles Voted Out of Senate Committee

Bills directing highway drivers to vacate the lane closest to a responding stationary emergency vehicle (or to slow down when vacating a lane isn't possible) were voted out of the Senate Infrastructure Development and Security Committee Feb. 17.

Senator Steve Ogden, chairman of the committee, said the committee combined language from SB 214 with language in SB 193 and will forward the bill to the Senate for consideration.

Under the bill, drivers who violate the law and cause an accident will be charged with a Class A misdemeanor.

For more information regarding this article, contact Jozette Maxwell at 800-456-5974 or via email at Jozettem@county.org. 🇺🇸

[From the Desk continued from page 12]

available in counties with a metropolitan transit authority]. **Excellent Report** — for a down to earth and very good discussion on essential services of Texas counties, as well as an analysis of the revenue sources available to counties, see the *Interim Report to the 78th Texas Legislature*, dated October 2002, Tom Ramsay, chairman of the House Standing Committee on County Affairs. Hard copies of the 45-page report are available from: House Document Distribution, P.O. Box 12128, Austin, Texas 70711 for \$5 per copy. Internet access: Interim Reports to the 78th Legislature, www.lrl.state.tx.us. If you are in Austin, you can pick up a hard copy of the report at the House Document Distribution, Rm. B324, Robert E. Johnson Bldg., 1501 N. Congress Avenue, Austin, Texas. If you take the time to study *Writing the State Budget* and the *County Affairs Interim Report*, you'll have a pretty fair understanding of the challenges yet to come. **State Budget limitations** — one more thing, remember that about \$35 billion of the state's \$114.8 billion 2003-2004 budget is federal money. The federal thing gets complicated because the money in some programs is "leveraged." Health and human services programs, involve a matching ratio [1: 1.50]. So, for every dollar the state doesn't spend, it foregoes the receipt of a dollar and a half of federal money. **Less to work with than meets the eye** — also, stay mindful that over \$12 billion of the non-federal budget money is constitutionally dedicated — cannot be spent elsewhere. To further make matters worse, there are margins on the use of state revenue as well as statutory restrictions on spending, i.e. dedicated purposes. **How Texas ranks** — the February Issue of *Governing Magazine* published an analysis of all 50 states' taxing systems. Remembering that you can do a lot of creative things with statistics, the Texas tax system fared rather poorly when compared with other states. While Texas was ranked among the worst states for "tax fairness," its' system of tax management was relatively good. See, *Governing Magazine*, internet access www.governing.com. **High Profile Committee** — among the new committees authorized by the House rules, the House Government Reform Committee is one that deserves close examination. This committee has jurisdiction over "...the organization, operation, powers, regulation, and management of state departments, agencies, institutions, and advisory committees..." The focus of the committee's work will be on "... identifying and eliminating inefficiencies in the provision of state services." Over on the Senate side, the **Government Organization Committee** will conduct similar inquiries. No doubt, county representatives will be busy keeping these entities credibly informed on the fiscal interface of state and county. **Taxation** — primitive taxes were levied "in kind." Granaries and storehouses clerks continuously booked

produce in and out — again and again. Spoilage, inaccuracies and uncontrollable factors made the system unworkable. Some kingdoms even authorized "scutages" — payment in lieu of military service. Like today, the ancients struggled with the notion of fairness in establishing their fiscal systems. Deliberations even included extensive attempts to establish a moral rationale — each taxed according to his means — equal means meant equal taxes. **The exigencies of life** — the differences in human initiative, resourcefulness and just mere fate cast such an overwhelming array of tricky issues that dissent was commonplace, particularly among those who felt they were disproportionately assessed. **Sound familiar** — and, as one might imagine, the foregoing gave rise to endless arguments and contentions about how much revenue was reasonable and necessary to do the government's work. To a large extent these disputes gave rise to the development of a new method of assessing taxes — the "cadastral system." Government will simply survey landholdings, evaluate the worth of these estates and tax accordingly — but again, how fair is that — go figure! "All seems infected — as all looks yellow to the jaundiced eye." [Alexander Pope, 1688-1744]. Blessed are the flexible for they shall not be bent out of shape. Don't forget to promote County Government — it's the pulse of the people! ➡

Election Bills Propose Wage Increases

Two bills have been introduced proposing an increase to the salaries of election judges and election clerks. House Bill 513 by Rep. Robby Cook mandates that a judge or clerk must receive \$8 per hour for a general election. (Sen. Ken Armbrister has introduced the companion SB 321.) House Bill 502 by Rep. Harold Dutton mandates that the wages be 1-1/2 times the federal minimum hourly wage for working at a precinct polling place. Current statute requires the salary for election judges or clerks to be at least the federal minimum hourly wage..

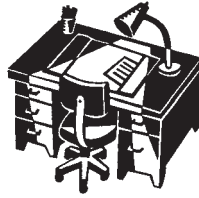
Dutton's bill goes a step further, requiring that compensation shall be paid to the election judge or clerk within a 72- hour period after the worker submits his or her compensation statement to the appropriate authority. Furthermore, the bill requires an election judge or election clerk to be compensated at least at 1-1/2 times the federal minimum hourly wage for attending a training program, but only if the governing body appropriates the funds. If funds are appropriated, the same aforementioned 72- hour requirement applies.

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From the Legislative Desk

By Carey "Buck" Boethel

Director of Governmental Relations



How's the legislative session shaping up? It's sort of like the fellow who jumped off the 20 story building and was asked, as he spiraled by an observer sticking his head out of a twelfth floor window, "How's it going?" — "So far, gulp, so...good!" Actually, it's too early to tell. Right now, most of the legislative effort is focused on state finance — reevaluation of revenue and expenditures. **Senator Chris Harris**, Chairman of the Senate Standing Committee on Administration, will be the featured speaker at the TAC Tuesday Morning Breakfast — Third Floor, 1204 San Antonio Street — next Tuesday, Feb. 25 at 8:30 a.m. **State Budget** — this session, state agency funding starts at "zero" rather than the amount of funding the agency was authorized during the current biennium. Each agency must first identify its vital and essential services, then proceed to justify its proposed expense — not necessarily a fault-finding approach, but one that does involve re-examination of spending policies, including support to entities other than the state.

Counties are not always viewed as an extension of state government — herein lies the prospect for county derailment. **When viewed from afar** — writing a budget in Austin, Texas amidst a \$10 billion shortfall invites misleading information and heightens the chance for error. Throughout Texas, county and state finances are poorly understood. To some extent, success in achieving a fair and reasonable state budget this session will depend upon how well county and state leaders communicate among one another.

Important financial references — see the House Research Organization's State Finance Report, No. 78-1, February 10, 2003, *Writing the State Budget* for a superb, 16-page no-nonsense discussion of the state budget process. Internet access: www.capitol.state.tx.us/hrofr/hrofr.htm. As to economic information about Texas counties, the TAC County Information Project has extensive data concerning county financial operational features. For internet access, please see: www.county.org/resources/countydata/index.asp.

Our duty — it is important for us to remind our state leaders that counties have limited access to the resources necessary to meet basic services — these resources are ad valorem property taxes, fines and fees authorized by law, and a one-half cent sales tax devoted to property tax reduction [not

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