

Overview of Texas County Government

(Reproduced from the 4-H County Government Guide)

In 1845, when Texas became a state, county government was the most meaningful form of government to the citizens because it directly influenced their everyday lives. Texas state officials seldom left Austin. Few municipal governments existed and federal government officials in Washington had little, if any, interest in county government. Therefore, county government became known as the “grassroots government,” the government closest to the people.

In the early 1900s, the county was characterized as the “dark continent” of the American government. This was due largely to the developing municipal governments that were seen as the major provider of services to most county residents who resided in cities.

Today, because of the increasingly urban population, the county is perceived as an anachronistic remnant of a bygone rural era. Sometimes county commissioners are still believed to be mostly “road commissioners” because of their important road-building responsibilities. In fact, they are probably among the most important business people in county government, because county government is big business. The role of a county commissioner is similar to being a member of a board of directors for a major business.

With increasingly complex demands upon governments, the county is re-emerging as the most important form of government. More and more federal and state responsibilities, including many service programs, are being delegated or mandated to the counties. County officials today are doing more with less. They are meeting new challenges and opportunities. They are employing modern technologies and working “smarter and harder.” They are staying abreast of changes in the law and keeping up with modern business practices. All but two of the elective county officeholders are required to participate in the mandatory continuing education program for county officials. Today, county officials are correctly being perceived as respected professionals and key business leaders in their counties, along with attorneys, doctors, accountants, bankers and others.

English Origin of American Counties

The origin of American counties can be traced back more than 1,000 years to the shires or divisions of Anglo-Saxon England. The ancient English shire performed legislative, judicial and public works, law enforcement and military functions. The legislative and judicial body of the shire was a shire-moot, which met only two times a year. The word moot is derived from Saxon “motian,” which means “to meet.” So this shire-moot was the meeting of the shire. An earl, almost always an important landowner of the district of the shire, presided over the shire-moot and was the leader of the King’s military forces in the shire. After the Norman Conquest in 1066, earls were called counts and from them shires took the name of counties. A shire-reeve, predecessor of today’s sheriff, was originally an assistant to the earl of the district. In time, the shire-reeve gained police, financial and judicial powers.

In the United States today the sheriff, by himself or with his deputies, executes civil and criminal court papers in a county, has charge of the jail and prisoners, attends court, and keeps the peace. A bishop was the judicial officer in the shire in church-related matters. The shire provided Anglo-Saxon England with a local government that met the limited needs of the times.

The county was the main unit of local government in England when the first English colonist landed in America. Under King James I, counties in America were primarily an arm of British national government institutions and the colonists adapted these to meet the local needs of their new environment.

Though settlers came to Texas from many lands, the “Anglos” (a term meaning that an individual’s language was English and that he was probably of Anglo, Saxon, Norman, Welsh or Irish stock), who were numerically predominant, controlled social and political affairs and the economy. Their legal and governmental system was to prevail, but with a heavy borrowing from the Spanish and Mexican cultures.

Historic Origin of Texas Counties

Cultural Influence. The origin of the Texas county is found in “municipality,” the local unit of government under Spanish and Mexican rule. These municipalities were rather large areas embracing one or more settlements and the surrounding rural territory. The organization of the government of the municipality included an ayuntamiento (council) composed of at least one alcalde (judge), a varying number of regidores (aldermen), a sindaco procurador (attorney), an alguacil (sheriff), and an escribano (secretary).

In 1821, there were four major Spanish settlements in Texas—San Antonio, Bahia (Goliad), Nacogdoches, and the Rio Grande Valley—three areas of light settlement and ranching, and four major roads. The church was often the first institution established in a town; school was often the second. In most instances, the two were linked, with the priest often conducting classes in the church building and serving as a part-time teacher to the community’s children.

Spanish-Mexican influence is evident in many facets of Texas life. Many of the laws in Texas are inherited from the period when Spain and Mexico ruled. The Mexican influence on Texas is also seen in the way towns developed. In the center of the town, a square was reserved for a courthouse or statehouse. The town proper was divided into square blocks by streets 20 to 40 feet wide. These blocks were further divided into building lots of a certain size to be sold to colonists for building residences. The Latin American unit of land measurement, known as the “vara,” is still much in evidence in land titles, and traces of the Spanish-Mexican rectangular survey system can be seen widely in the state.

The rectangular survey system is a great contrast to the haphazard, irregular property lines produced by the traditional southern Anglo-American practice of metes and bounds. Under that system, rights to certain amounts of land were granted and the recipient laid out his property lines as he saw fit, using various landmarks such as large trees, roads and creeks as borders and corners. The government of the Republic of Texas (1836-1845) formally adopted the Spanish-Mexican rectangular survey system.

Departments and Municipalities. Before the revolution of Texas against Mexico, there was no such political subdivision as the county. In 1835, Texas was divided into departments and municipalities. Three departments were established: Bexar, Brazos and Nacogdoches. There were also 23 municipalities:

Austin (Brazos)	Matagorda (Brazos)
Bastrop (Bexar and Brazos)	Milam (Bexar, Brazos, and Nacogdoches)
Bexar (Bexar and Unorganized Territory)	Nacogdoches (Nacogdoches)
Brazoria (Brazos)	Red River (Bexar, Brazos, Nacogdoches)
Colorado (Brazos)	Refugio (Bexar)
Goliad (Brazos)	Sabine (Nacogdoches)
Gonzales (Brazos)	San Augustine (Nacogdoches)
Harris (Brazos)	San Patricio (Unorganized Territory)
Jackson (Brazos)	Shelby (Nacogdoches)
Jasper (Nacogdoches)	Victoria (Bexar and Brazos)
Jefferson (Nacogdoches)	Washington (Brazos and Nacogdoches)
Liberty (Nacogdoches)	

Creation and Evolution of Counties

Republic. Under the new Republic in 1836, the 23 municipalities became counties, but the Spanish-Mexican influence on their government was negligible. Instead, the new county governments were based on the county model found in the southern part of the United States, from which many early Texans came.

The chief governing body of the county during the Republic was a county board, better known as the county commissioner's court. It was composed of the chief justice of the county court, elective justices of the peace, and the commissioner of roads and revenues. The chief justice was appointed by the Congress of the Republic of Texas. Because the Constitution of 1836 contained no provision for the selection of the commissioners of roads and revenues, the county commissioner's courts were actually composed of the chief justice and the justices of the peace. In 1839 this condition was legalized by dropping the theoretical commissioners of roads and revenues.

Statehood. When Texas became a state in 1845 there were 36 regular counties. Under the Constitution of 1845, county government varied little from that under the Republic. The major changes included making all county offices elective positions and adding a few new elective positions. Four elective commissioners were substituted for the justice of the peace. The other elected county officers were the sheriff, coroner and clerk. Appointed officials included a tax assessor appointed by the county board and a surveyor appointed by Congress.

Confederacy. When Texas entered the Confederacy in 1861 and adopted a new state constitution, there were 122 counties. No changes were made in county government.

Reconstruction. No significant changes in the structure of county government occurred under the Constitution of 1866. The government as set up by this constitution lasted only a short while because of the Reconstruction Acts in 1867. Under the military rule, many local officials were removed indiscriminately and were either not replaced or replaced by new appointees.

The constitution lasted through 1869, when the government was reorganized under the Constitution of 1869. By the end of 1870 there were 129 organized counties. Under the Constitution of 1869 the government of the county was again in the hands of an elective county board and several other elected officers, but actual administration up until 1873 was virtually a continuation of congressional Reconstruction. No real changes were made until the adoption of the Constitution of 1876.

Today. The Constitution of 1876, the present state constitution, contains much detail concerning the governmental organization of the county. The chief governing agency continued to be the county board—the county commissioner's court. Provision was also made for a county judge for the county court, county attorney, sheriff, tax assessor and collector, county clerk, treasurer, surveyor, justices of the peace and constables. In addition, there are several statutory officers, of which the most important ones are the auditor and judges of county courts-at-law.

History of Your County

1. In what year was your county created? _____

2. Where is your county seat located? _____

3. What was the cultural background of the first settlers in your county? _____

4. List three significant geographical features of your county?

5. List three significant historical events in your county?

Who's in Charge?

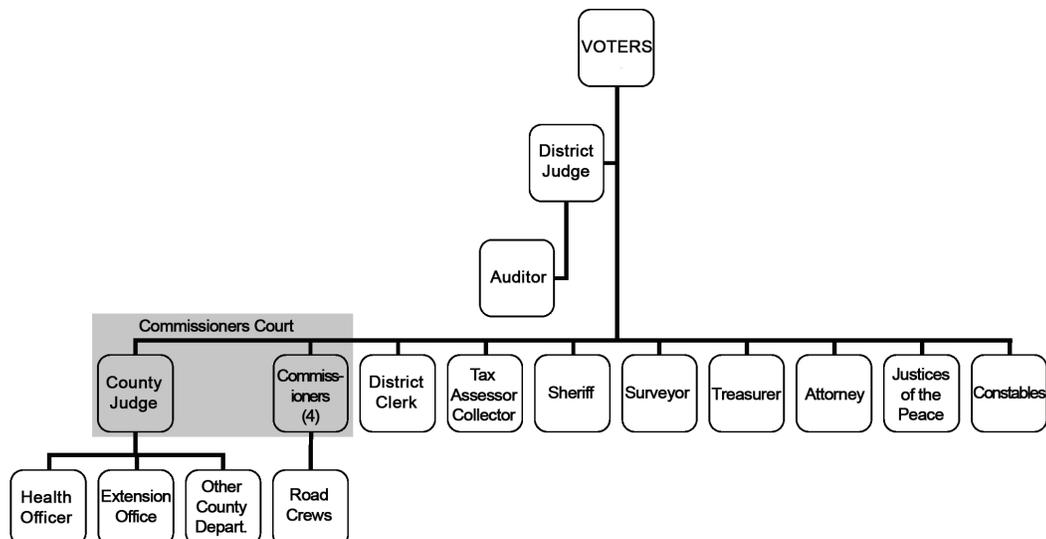
The Texas Constitution makes a county a legal subdivision of the state. Therefore, the powers and duties of a county government are limited to those provided specifically by the constitution and the laws of Texas. Counties, unlike cities, are not granted the authority to create their own laws. There are a few counties, however, that have been granted limited ordinance authority governing special situations such as health care, vicious dogs, and massage parlors. Although Texas county governments have remained much the same over time, these governments, both in organization and function, have seen some changes.

County Organization

The organizational structure of county government is defined rather specifically in the Texas Constitution. Major county offices required by the constitution include county judge, county commissioners, clerk, sheriff, attorney, surveyor, tax assessor-collector and treasurer. The constitution also specifies that there be county precinct offices for justices of the peace and constables. All county constitutional offices are elective and have a 4-year term.

Statutory offices such as auditor, purchasing agent, health officer and other officials and department heads have different terms and methods of appointment. The number of non-elected officials within counties varies according to the population, policies and preferences of each county. Non-elected officials may include: county health officer, personnel director, director of public works, veterans service officer, county superintendent, juvenile officer, county welfare officers, county fire marshal, county Extension agents, medical examiner, county engineer, etc.

If a vacancy in a county office occurs for any reason, it is filled by appointment. The commissioner's court fills a vacancy in the office of county judge and all other constitutional county offices. A vacancy in the office of county commissioner is filled by the county judge. A person appointed county commissioner must be a bona fide resident of the commissioner's precinct in which the vacancy occurred. District judges fill vacancies in the office of county auditor and district clerk.



Key to the Courthouse

Your elected officials are the real key to high-quality public service at the county level. These men and women are dedicated to the proposition that local government is responsible for and should be responsive to local needs. They stand ready to cheerfully assist the public in answering any questions that arise concerning the day-to-day operation of local government.

Test your knowledge of county government. In the spaces below, write the name of the appropriate county official (elected or appointed) or county office where one might go to complete each of the tasks described.

Where in the courthouse would you:

1. obtain a marriage license?

2. obtain automobile, truck or motorcycle registration plates?

3. obtain a birth certificate?

4. obtain a voter registration certificate?

5. examine the will of a deceased person?

6. record a deed or other legal instrument related to real estate?

7. cast an absentee vote?

8. discuss the filing of a complaint for criminal misconduct?

9. obtain literature and information on agriculture, family and consumer science, or 4-H?

10. seek to evict a tenant who fails to pay rent?

Key to the Courthouse Answers

Where in the courthouse would you:

1. obtain a marriage license?
County Clerk
2. obtain automobile, truck or motorcycle registration plates?
County Tax Assessor-Collector
3. obtain a birth certificate?
County Clerk
4. obtain a voter registration certificate?
County Tax Assessor-Collector
5. examine the will of a deceased person?
County Clerk
6. record a deed or other legal instrument related to real estate?
County Clerk
7. cast an absentee vote?
County Clerk
8. discuss the filing of a complaint for criminal misconduct?
County Attorney or District Attorney
9. obtain literature and information on agriculture, family and consumer science, or 4-H?
County Office of Texas Cooperative Extension
10. seek to evict a tenant who fails to pay rent?
Justice of the Peace