Message from the President

Fellow County Auditors,

It is a privilege and an honor to be your President for 2005 - 2006. I am humbled to follow such an outstanding roster of truly admirable County Auditors who have served this association over the years. I, too, am in awe of the leadership that will follow me after my term is over. These people will carry on OUR mission with dignity, respect and the utmost professionalism for years to come. You may not be a current officer or director of the association, but I ask that you lend your time and talents in the future to continue the tradition and legacy of Texas Association of County Auditors.

Much of what our association works toward involves the promotion of efficient county government through sound fiscal practices, the continuing education of our members, and involvement in the legislative process that defines the nature of our mission. Toward that end, all of our officers and directors are well into their respective roles as Committee Chairs and are doing an outstanding job for each of you. The next time you see them, thank them for their leadership and service.

The Law Study Committee is continuously planning initiatives to improve our association and coordinating with the Texas Association of Counties and the associations of the other county officials in the development and promotion of our common causes. Paul Sugg is a member of the TAC Legislative staff and serves as a liaison to TACA. Paul is a great resource for us and do not hesitate to call him for assistance.

Our Education and Institute Committees have organized another exceptional New Auditors Conference and County Auditors Institute in cooperation with the LBJ School of Public Affairs.

We are excited about the new format whereby all conference sessions will be held in the host hotel, the Doubletree on I-35 North. No more busses and plenty of convenient food and lodging nearby. We will also have more space available for the various vendors who are great supporters of county government and County Auditors. Please stop by and visit with them and tell them how much we appreciate them.

The term of President is like that of a sprint - a lot of hours of dedicated training to be able to run the race of a lifetime when your time has come. My race is half over already and, as much as I have enjoyed the first part, blasting out of the starting blocks in South Padre, I am looking forward to running down the homestretch before I reach the finish line in El Paso and hand off the leadership baton to 2006 - 2007 President, Jimmy Mynar of Burleson County.

Thank you for allowing me to experience this thrill of a lifetime to be the leader of the best organization in county government, the Texas Association of County Auditors!

With best regards,
Mark Yates, Cameron County Auditor
President 2005 - 2006
Texas Association of County Auditors

Internal Control – Some Observations

As County Auditors and accountants and auditors in general, the term “Internal Control” has about as many definitions as there are C.P.A.’s. However the one commonality is the fact that without adequate internal control all the financial reports we produce are subject to serious variances in actual financial histories, thus leading to erroneous financial projections. Beyond accuracy, is gone the reliability and integrity of the entity, be it public, private or governmental. As a final result the accounting functions are no more than puff of smoke - a hazy fog that quickly dissipates into thin air without substance, stature or a meaningful record of existence.

The February 2006 issue of Government Finance, the official publication of the Government Finance Officers Association (GFOA) devotes a major portion of its issue to the subject of Internal Controls. Selected excerpts are rendered below.

DEFINING INTERNAL CONTROL

The corporate accounting scandals of the last several years exposed serious weaknesses in the internal control systems of some American companies. Congress responded by passing the Sarbanes-Oxley Act of 2002, which, among other things, requires auditors of publicly traded companies to give an opinion on the adequacy of internal controls. Companies have spent millions of dollars to comply with the new regulations.

While Sarbanes-Oxley does not directly affect governments, the increase scrutiny of (Continued on page 6)
When Cass County Auditor Keith Barber graciously invited me to contribute a column for your newsletter, I was elated to have the opportunity. As your new TAC president, it is my goal that our entire county family communicates openly and honestly so that we may all share in the benefits of the unique and extremely important organization that is TAC.

Having served as Brazos County district clerk for 11 years and at the city level and in business before that, I have learned some things about counties and government in general. First, county government in Texas is comprised of individual elected and appointed offices that must work together closely to guarantee the whole performs as a unit that benefits our taxpayers and residents. These county offices – whether it’s the commissioners court or auditors – must see themselves as interdependent or they will not function effectively. I believe we have made great strides toward a better understanding of this interdependence during the past four to five years, and I intend to push us all further along the road of communication and understanding during my 2-year term as president. We may not all agree all the time, but we will sit down and have an honest discussion of our disagreements when they do arise.

In fact, when I was first elected as district clerk, I felt I knew everything there was to know about being the best district clerk imaginable. John Reynolds was the Brazos County auditor when I took office, and I felt like he had no business suggesting to me what policies and procedure to implement. I changed my mind after those policies and procedures helped us to easily track down and catch a person who tried to embezzle county funds. That was my awakening to the fact that our auditor wasn’t “that darn auditor” but a skilled county official who serves and protects the public interest, just like we elected officials. It helped me become a better clerk and elected official, and to this day, I continue to learn and grow professionally.

Our 254 counties are a building block for government in Texas. As an arm of the state, we provide key services – from basic infrastructure to running the court system – that the state could not do without us. It also is essential that we work closely with cities and school districts if local services are to be provided adequately and cost-effectively.

To most members of the public, all government agencies are the same; we’re just “the government.” Very few understand specifically what it is that counties do, or which level of government can answer their problems. They see their tax bills each year and look at the bottom line, not the tax amounts of each entity. When they see their taxes rising, they don’t notice that school taxes are the bulk of their bills – more than 60 percent statewide. Hence, we must continually educate our taxpayers on how small a percentage of the tax bill is from the county, about 15 percent.

This lack of public understanding about county government makes it imperativethat all county offices and county employees be customer service-oriented, on behalf of all government agencies. It’s good for your citizens and community, and it’s good politics.

And here’s some more good politics: it is essential that our citizens know the value of the services we provide. At a time when some members of the Legislature want to drastically cut back local government’s ability to fund services, people need to know how important these services are. So I urge all county officials to get out the word about the valuable services that our citizens receive from counties. Not only can we make presentations to civics clubs, we can become walking ambassadors for our county services, explaining what’s going on to our friends and neighbors, as well as the media.

Our fine group of county auditors already do and will continue to play a key role in the information flow about services and their costs, including the price tags of federal and state mandates, operation of jails, courts and record retention, as well as discretionary services that the public demands, such as law enforcement patrols and libraries. The irrefutable facts on cost drivers that your offices produce are essential to the efforts of all county officials and our umbrella organization, TAC, to better educate the public about the value of county services and as we strive to improve relationships with state government leaders.

Thank you for your service to county government. Please feel free to call upon me or our TAC staff members whenever your arm of our county family needs assistance. We are all in this together!

---

**TEXAS ASSOCIATION OF COUNTY AUDITORS**

**SINCE 1905**

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TEXAS ASSOCIATION OF COUNTY AUDITORS COMMITTEES

INSTITUTE COMMITTEE
Chair- Kevin Smith, Burnet County
Members-James Wells, Denton County
Cindy Lent, Llano County
Raymie Kana, Colorado County

“It shall be the duty of the County Auditors’ Institute Committee to work with the University of Texas, Lyndon B. Johnson School of Public Affairs, in planning the program of the Institute and promoting attendance at the Institute.”

MEMBERSHIP COMMITTEE
Chair- Barbara Schott, Harris County

DIRECTORY COMMITTEE
Chair- Jackie Latham, Lubbock County

“It shall be the duty of the Membership Committee to promote membership in the Association through written and personal contact with County Auditors throughout the State. It shall also be the duty of the Membership Committee to annually update and publish the “Texas Association of County Auditors’ Directory”, and distribute said update to the membership.”

MENTORS
Chair- Barbara Schott, Harris County
Jackie Latham, Lubbock County

“It shall be the duty of the Membership Chair to assign a mentor to each and every newly appointed County Auditor. These mentors are to serve in an advisory role for the new auditors to offer information on legal and accounting issues as well as other issues relative to the position of County Auditor.”

EDUCATION COMMITTEE
Chair- Rick Dollahan, Dawson and Gaines Counties
Member- John Reynolds, 1st Assistant Bexar County

“It shall be the duty of the Education Committee to aid and assist County Auditors in this State in becoming better informed concerning their duties and better informed concerning their duties and responsibilities. This Committee will study problems and seek answers to problems, which are common among County Auditors. This Committee will publish and distribute results and recommendations on their findings to all County Auditors in this State. This committee will promote professionalism through education for the Texas Association of County Auditors.”

This publication has been designed and printed by the Texas Association of Counties.
New T.A.C.A. Website Live

The Texas Association of County Auditors new website is up and running. This has been a long process of transforming the old website and making additions and changes to get the TACA website into the 21st century.

The major change is that now the website will be hosted and maintained by the Texas Association of Counties, as are several other associations. We now have the in-house expertise as well as a great source of information with which to draw from. We would like to extend our most sincere thanks to the whole TAC team for making this possible- Sam Seale- Executive Director, Karen Norris- Assistant Director, the TAC board, Stan Reid- Chief Information Officer, Gayle Latham- CIRA Director and Kali O’Neal- technical staff.

With this new arrangement we can update the site on a monthly basis to keep it fresh, timely and informative. Any suggestions or comments you may have will be greatly appreciated.

Not only will the website have a bright new look, it will many more features, resources and links than ever before. Besides being a quick reference site for the myriad of subjects we have to access, we want it to reflect the history, tradition and the people of our association and our contribution to local government.

While the primary users of the website will be the county auditors, we also want it to be user friendly for other county officials, state and federal agencies, and to the citizens of our communities. The more that it is known about who we are and what we do, the better we can serve.

We thank you for your understanding and patience with this endeavor and hope this is something that will be a source of pride and a statement of our professionalism for years to come.

Website Committee:
Jimmy Mynar- Burleson County Auditor
Keith Barber- Cass County Auditor

NEW ADDRESS:
www.texascountyauditors.org

Texas Association of Counties Leadership Foundation Class

Several years ago the Board of Directors of the Texas Association of Counties recognized a need to take professional education outside the current realm of how-to courses and basic county government instruction specifically designed for each separate set of office holders. They envisioned a program that would reach beyond these current boundaries to address issues of importance which would transcend individual offices. Once individual skills were learned, now how can those talents be brought together with the talents of the other officials into a cohesive, coordinated and complimentary strategy to serve the public be accomplished?

The answer was the Leadership Class that brought together the entire spectrum of officials, that are not only diverse in job titles, but in geography, population, race, gender and political persuasion. This group could come together to learn about each others roles in county government and how to work beyond the walls of individualization to become a true team of leaders addressing the needs of their citizens, now and in the future.

The establishment of the Texas Association of Counties Leadership Foundation set out its vision in its mission statement.

“The mission of the Texas Association of Counties Leadership Foundation is to build leadership capacity among Texas county officials for developing and sustaining civil, livable, healthy and economically viable communities. The Foundation focuses on developing leadership skills, strategic policy planning and disseminating best practices of innovation and achievement.”

The charter leadership class of 2003 included County Auditor Rod Noble of Andrews County and former County Auditor Joella McPherson of Randall County.

County Auditors that we re members of the 2005 class included Jimmy Mynar of Burleson County, Edward Dion of El Paso County, Keith Barber of Cass County and former Midland County Auditor Julie Marks.

Applications for the 2006 – 2007 class are being accepted through May 1, 2006. For more information you can contact TAC Training Consultant Mark Warren at 512-478-8753 or markw@county.org.

Ask any auditor or other official that has participated in the Leadership Class and they will tell you it is the best experience they have ever had in county government.
T.A.C.A. Trivia

Q1. What is the subject of GASB 1?

Q2. Who has served as both President of the Texas Association of County Auditors and President of the Texas Association of Counties?

Q3. Name two qualifications of a County Auditor, other than accounting experience, that no other official is required to have.

Q4. Name a father / daughter duo that served as County Auditor in the same county.

Q5. What county has had the most County Auditors serve as President of TACA? Bonus-Name them.

Q6. What is the second smallest county to have a County Auditor?

Q7. Who is the current longest tenured County Auditor, continuously with one county?

Q8. What county did Jerry Ware serve as County Auditor?

Q9. What year did El Paso first serve as TACA Conference host?

Q10. The County Auditor was appointed jointly by the District Judge(s) and the County Judge until what year?

Answers can be found on the Texas Association of County Auditors website: http://www.texascountyauditors.org

If you have any trivia, please submit it and we will put it in future issues. kbarber.auditor@casscountytx.org

Jerry Ware Leadership Award
Presented to April Bacon

The "Jerry Ware Leadership Award" was established in 1994 to honor the memory and service of the late Jerry Ware, Jefferson County Auditor. The recipient of the annual award is a member of the Texas Association of County Auditors that display the qualities of leadership, compassion, fidelity and common sense as did Jerry Ware in his service to the Texas Association of County Auditors.

During the annual conference held on South Padre Island this past October, April Bacon, of the Travis County Auditor’s office, was presented this award. This award is presented annually and the honoree is selected by the TACA President.

In naming April, then-president Virginia Porter of Dallas County said, “I selected April though she is not an appointed county auditor, basing the decision on April’s consistent detailed always-on-the-point advice on the list serve; energy, knowledge and communication of legislative issues; and humorous, factual and pertinent participation as a speaker / panelist at our conferences as well as her personal sincerity and caring attitude of all that she comes in contact with. I feel she has made a difference to more auditors and assistant auditors than anyone else in our association.”

A plaque bearing the names of the recipients of the “Jerry Ware Leadership Award” is prominently displayed in the Texas Association of Counties building in Austin, Texas to recognize the achievements, character and service of Jerry Ware and all the succeeding honorees to county government and the Texas Association of County Auditors.

All members of the association send our congratulations and most sincere thanks to April for her contributions and we also thank Travis County Auditor Susan Spatafor her willingness to share this most special person with all of us.

When NASA discovered that regular ball point pens would not work in zero gravity, they spent 10 years and $12 billion to develop one that would. The Russians used a pencil. Sounds like they could use a County Auditor at NASA.

You will not see the following posted on the walls of a courthouse- “Thou shall not steal”, “Thou shall not lie”, “Thou shall not commit adultery” and “Thou shall not kill”. Why? It's bad for business.
The Forty-Eighth Annual County Auditors Institute and New County Auditors Training

May 9-12, 2006

Doubletree Hotel Austin, Texas

Sponsored by:
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The University of Texas at Austin

in cooperation with
Texas Association of County Auditors

www.utexas.edu/lbj/profdev/calendar.html

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Fax: 512/471-4746

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☐ 48th County Auditors Institute - May 9-12, 2006 - $265
☐ New County Auditors ONLY - May 9, 2006 - $150
☐ Both events, May 9-12, 2006 - $300
☐ I am enclosing a check for $$______ payable to the University of Texas at Austin in full payment of my registration.
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YESTERDAY’S COMMENTS

April, 1984

“The new growth of springtime, with all its color and splendor, is symbolic to me of our opportunities in life to never stop learning and growing. Alluding to the season, we too can eventually show our new growth and learning if we take advantage of the many opportunities we have. Let us never stop growing and learning.”

TACA President 1983-84 Joyce Tompkins, Fort Bend County Auditor

A draft copy of the County Auditors Association’s legislative proposal for untying the Auditor’s Salary from that of the Tax Assessor-Collector was published.

Opinion No. JM-141 ruled that a County Commissioner could be appointed to the Texas Sesquicentennial Commission.

The Twenty-sixth County Auditors’ Institute would begin with a poolside reception at the Villa Capri Motel. Topics for the Institute included: Internal Control and Auditing of County Offices and Activities, County Financing of Indigent Health Care, Update on Federal Revenue Sharing and Financial Management of the Texas Juvenile Probation Program. The program would provide up to 10 hours CPE for CPA’s. (County Auditors were not subject to continuing education requirements at that time.)

Welcome New County Auditors

Ida Martinez - Willacy County
Cindy Muller - Calhoun County
Mindy Williams - Kerr County
Christina Combs - Bandera County
Veronica Morales - Midland County
Nathan Cradduck - Tom Green County

Welcome to each of you.
We look forward to meeting you at our conferences and reading your questions and comments on the List Serve. Never hesitate to call upon any member of our association for advice or just to tell someone who really cares about your “bad day”.

Membership Report
AS OF MARCH 30, 2006
Barbara J. Schott, Harris County Auditor

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From the Editor

The County Auditors COMMENTS is a publication to inform all County Auditors, assistants, other officials and the public about the office and duties of the Texas County Auditor.

As your newsletter, we want to hear from you and what is going on out there in the world of the Texas County Auditor. We need to hear the good news about accomplishments and pass along the sad news as it inevitably comes. Let us hear about area meetings or news that effects us in county government.

All the listserves and all the conferences in the world cannot convey the total and complete picture of what a County Auditor is and does, so we want this newsletter to be that voice for the County Auditor. We are lone individuals, mostly just one per county, sometimes per two counties and, in some instances, none in a county at all.

However we are an association, a family made up of caring, dedicated, ethical and intelligent public servants. As an association and as a family we are here to care, inform and support one another in the challenges we face. Most challenges we conquer, some we fall short of, but we will do so with character and dignity knowing we did the very best we could. Life is certainly not always fair, as we all know too well, but life, down whatever road it may take us, is always an opportunity. Make the most of your opportunities.

Send any information or comments to:
COUNTY AUDITOR COMMENTS
% Keith Barber, Cass County Auditor
P.O. Box 299
Linden, Texas 75563
Fax 903-756-3018
kbarber.auditor@casscountytx.org

Letter to the Association- November 27, 1985

Dear Friends,

As many of you have heard, as of Friday, November 15, I am no longer a County Auditor. The story is a long one, but the basic reasons are political. My story is not unlike many of our friends who have left our ranks less than voluntarily. I am sure the others would join me in saying to you “survivors” - Do not pity us, but take note that you could be next under equally unjust circumstances.

The fragile existence that you have can only be strengthened by working within the Association to gain a greater degree of security and protection from such political whims. As it has been stated before, our salary bill proposal was not as much a dollar issue as it was a survival issue.

So support your organization and keep the faith!

Since yours,
Another Former County Auditor

Key Differences Between Management and Leadership

By Mark Warren, Texas Association of Counties

VISION
Leaders have inspiration, imagination and forethought. They are always in future tense.
Managers have checklists.

PASSION
Leaders have conviction, desire and devotion.
Managers have projects.

INTENSITY
Leaders have strength, force and feeling.
Managers have priorities.

PERSPECTIVE
Leaders understand simplicity.
Managers deal with complexity.

Calendar of Events

AUGUST
4 - 8 National Association of Counties Annual Conference Chicago, Ill.
16 - 18 Texas Association of Counties Annual Conference Austin, Renaissance Hotel

DECEMBER
1 - 6 TAC County Investment Officer Workshop Level 1 TAC Events Center, Austin
17 - 20 Texas Association of County Auditors 61st Annual Fall Conference Camino Real Hotel, El Paso

TEXAS ASSOCIATION OF COUNTY AUDITORS
SINCE 1905
THE CITIZENS’ WATCHDOG
and renewed interest in internal control has spilled over to the public sector. Still there is much confusion, even among government finance professionals, over the nature and purpose of internal control.

Anne Spray Kinney, Editor in Chief
Peter Christensen, Managing Editor

UNDERSTANDING INTERNAL CONTROL
By Stephen J. Gauthier

Until recent years, a response to the basic question, “What is internal control?” likely would have elicited a series of examples-segregation of incompatible duties, periodic bank reconciliations, use of receiving reports—rather than a true definition. That is to say that internal control tended to be viewed as collective term used to describe a disparate assortment of policies and procedures rather than as a separate and coherent concept in its own right.

The Treadway Commission on Fraudulent Financial Reporting, in its mid-1980’s study, placed much of the blame on inadequate managerial involvement with internal control. The commission assigned at least partial responsibility for this lack of involvement to a general failure to provide managers with a clear understanding of what internal control really is and a why it should be a matter of concern to them.

Regardless of the sector within which they serve (i.e., public, private or not-for-profit), all managers must strive to: (1) operate effectively and efficiently, (2) produce reliable external financial reports, and (3) comply with applicable laws and regulations.

Responsible managers cannot leave the achievement of these objectives to chance. Rather, they must take concrete action to ensure the effectiveness and efficiency of operations, reliable financial reporting, and legal and regulatory compliance. It is the sum of these actions that constitute internal control. Put differently, internal control could be defined as the sum of the tools and techniques used by management to ensure that it achieves its objectives. Thus, by its very nature, internal control is fundamentally a managerial concern.

OVERCOMING THE OBSTACLES TO AN EFFECTIVE INTERNAL CONTROL FUNCTION
By Glen McKay

Five obstacles to an effective internal audit function are especially salient.

The first obstacle is an undefined or ill-defined internal audit function. Where this is the case, management often usurps the function by assigning non-internal audit responsibilities to the internal auditor. These new responsibilities may wholly or in part subsume the internal audit activities.

The second obstacle is fraud investigations. Fraud investigations, unlike audits, are resource intensive, time consuming, and subject to different and complex legal and evidentiary standards. Just as management’s non-audit assignments supplant legitimate internal audit activities, so do protracted fraud investigations.

The third obstacle is the effect of the Sarbanes-Oxley Act of 2002. The underlying conceptual approach of Sarbanes-Oxley is that agency management is responsible for conducting and documenting regular periodic risk assessments. The results of the risk assessments are to be used by management to design appropriate internal controls to mitigate the identified risks. The backbone of the entity’s operations is an effective system of internal controls designed to safeguard the agency’s assets and to ensure that the agency’s financial information is correct.

The fourth obstacle is the assignment of sexual harassment and discrimination cases (as well as other personnel and human resource issues) to the internal auditor. In both areas, the internal auditor is particularly ill suited to conduct such reviews, which detract from audit responsibilities.

The fifth obstacle is the new or expanded responsibility for monitoring or auditing external contracts. As with the other obstacles discussed above, the danger to the internal auditor is that what should be a small and manageable component of the work becomes over time the principal focus. Consequently, the internal auditor may be solely responsible for internal auditing one day and the next day be responsible for both internal auditing and external auditing of numerous contracts.

As Texas County Auditors, we function in a unique setting as to duties, responsibilities and the specific laws that govern our activities. However broad and sometimes in variant terms than expressed above, Internal Control plays a major role in our function. One could say that Internal Control is the bedrock foundation that all accounting and auditing duties spring.

This is not to say those issues noted should be ignored as non-applicable, but rather we should seek the commonality and interpret these undeniable tenets of modern accounting and auditing into a usable format and understanding as it would apply in our defined charge of office. Among counties there is a great variance as to the internal audit function. Ranging from full staffs dedicated solely to internal audit, to smaller offices where internal audit is just one of many tasks required of the limited staff, yet the requirements and responsibilities remain the same.

It is evident from the literature that auditors must remain independent, that they remain focused, and remain involved in the creation, implementation and the oversight of the internal control processes. Another very evident definition, one that many of us may not recognize, is the term management. Here there will be some discussion and viewpoints of varying agreement. Management could be seen as a multi-layered institution. The first being the individual offices and departments, who should have their own basic policies and concepts to address internal control, and to self monitor the process. The second being the internal auditor, i.e. the county auditor, who is independent of the auditee and reports to a higher authority. Lastly, management should ultimately and rightly be defined the executive body of the entity, the commissioners court.

Regardless of the office, each official has the duty and the responsibility to manage and safeguard the assets of the county under their control. This is not a charge that is required of the auditor per se as much as it the charge they accept which is dictated in (Continued on page 7)
“As County Auditor, I have learned that…”

… you cannot make someone respect you. All you can do is audit them and hope they come to fear you.

… no matter how much you care, some people just don’t get it.

… it takes years to build up trust, and it only takes suspicion, not proof, to destroy it.

… you can get by on looks and charm for about fifteen minutes. After that, you better have- the opinionated bluster of Rush Limbaugh, the humility of Mother Teresa- the attention of a roaring fire engine, the stealth of a FBI agent- the aggression of a linebacker, the patience of a day care teacher- the expressiveness of a Broadway star, the face of an old poker player- the hide of an elephant, the sensitivity of a butterfly- the wisdom of a royal monarch, the whimsy of a child- and the combined knowledge of a CPA, MBA, PhD, JD, Civil Engineer and Bill Gates- then comes day two!

For information contact us at:
PHONE:  
(915) 546-2040

MAIL:  
County Auditor's Office  
500 East San Antonio, Room 406  
El Paso, Texas 79901-2407

FAX:  
County Auditor's Office  
(915) 546-8172

Contacts:  
Terry Molinar, Operations Manager  
Ext. 3478, tmolinar@epcounty.com  
Wallace Hardgrove, Budget/Finance Manager  
Ext. 3481, whardgrove@epcounty.com

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REGISTRATION FORMS PENDING!  
HOPE TO SEE YOU SOON!
Attorney General of Texas, Gregg Abbott, Recent Opinions

GA-0360  
September 30, 2005  
The Honorable Mark E. Price  
San Jacinto County  
Criminal District Attorney  
Re: Whether the San Jacinto County Auditor may serve as the accountant for the San Jacinto County Emergency Services District.  

SUMMARY:  
Neither article XVI, section 40 of the Texas Constitution nor the common-law doctrine of incompatibility bars a county auditor from serving as the accountant for an emergency services district, assuming the accountant is an at-will district employee and not a district employee.

GA-0383  
December 19, 2005  
The Honorable Mike Stafford  
Harris County Attorney  
Re: Whether a commissioners court may pay a vendor who has rendered goods or services to the county for the reasonable value of the benefit the county has received under an implied contract when the county auditor has rejected the claim.

SUMMARY:  
Section 113.065 of the Local Government Code prohibits a county auditor from approving a claim for the reasonable value of services received under an implied contract that was not “incurred as provided by law.” TEX. LOC. GOV’T CODE ANN. 113.065 (Vernon 1999). Attorney General Opinion GA-0247, which concludes that a county auditor is forbidden by law to approve a claim on a payment that was not “incurred as provided by law,” as section 113.065 requires, is affirmed.

The county auditor’s approval is a “conditional precedent” to the commissioners court’s review of the claim.  

GA-0389  
December 28, 2005  
The Honorable David K. Walker  
Montgomery County Attorney  
Re: Whether section 393.002 of the Health and Safety Code requires a justice of the peace to allow an organ procurement organization to remove organs of a deceased person before the justice of the peace has determined whether an autopsy should be performed.

SUMMARY:  
In a case in which a decedent has died under circumstances requiring an inquest and the family consents to organ removal, section 693.002(a)(5) of the Health and Safety Code requires a justice of the peace who has not yet determined whether an autopsy is necessary or whether organ removal will interfere with the investigation or the autopsy to attend the procedure to remove organs or to send a designated physician.

GA-0396  
February 9, 2006  
The Honorable Eddie Arredondo  
Burnet County Attorney  
Re: Whether the state may continue to collect fines and court costs where no motion to adjudicate has been filed and the term of deferred adjudication has expired.

SUMMARY:  
An elected constable is not prohibited by article XVI, section 40 of the Texas Constitution or the common-law doctrine of incompatibility from simultaneously serving as a full-time deputy sheriff.

GA-0402  
February 22, 2006  
The Honorable Richard E. Glaser  
County and District Attorney  
Fannin County  
Re: Whether an elected constable is prohibited from simultaneously serving as a full-time deputy sheriff.

SUMMARY:  
Article 42.12, section 5(h) of the Code of Criminal procedure authorizes a criminal court to exercise continuing jurisdiction over a defendant after the expiration of the community supervision period only in limited circumstances. Where no motion to adjudicate has been filed prior to the expiration of the community supervision period, article 42.12 does not authorize the state to pursue a defendant for past due fines and court costs with a capias pro fine.
Internal Control—Some Observations (continued from page 6)

the oath of office and the oath of the surety bond they enter into. The auditor and, ultimately, the commissioners court have the oversight responsibility as is dictated by their respective oaths of office.

In each level the concerns are the same, the desirability of a positive result is a common goal and the contribution to the overall strength and reliability of the institution is definitely a cooperative effort. For all these similarities, each level has a very dissimilar task. The initial level is to create the internal control structure, with the assistance of internal and external audit professionals, as they are the first line of defense for the prevention of unintentional errors and intentional fraud. The role of the internal auditor, aside from assisting with the formation of the internal controls, is to test the controls to determine the reliability of the controls and assess the risks that are inherent in the process. Then the internal auditor is to report the findings and recommendations to enhance the internal controls. Finally, the level of management that receives the report, examines the results and considers the overall reliability of the reports performs its executive functions. A primary executive function is the assessment how well the internal control process has served the entity and what can be done to retain and enhance the core of integrity through policy and budgetary prioritizations.

Therefore to believe that the county auditor is the sole keeper of internal controls is to assume a very narrow view of the true scope of a democratic system and the checks and balances gospel, and to further believe that the county auditor is such a monolithic knight to carry the full responsibility for accuracy and establishment of those controls is to believe that Atlas himself could not have not only supported the earth, but the whole universe as well.

The summation is to recognize that Internal Control is the responsibility of every level of government, each with its own specific and peculiar roles in the machinery of the process. The machine runs well and produces the desired results only when each cog does its work and does it well and refrains from interfering beyond its assigned, engineered designated functions.


The Texas County Financial Data Advisory Committee, F.D.A.C.
By Mark Yates, Cameron County Auditor

For those who share with me a September 30th fiscal year-end, you are no doubt spending a majority or your waking hours finalizing your Annual Financial Report. We, at Cameron County, are nearly through, but it is those last few adjustments from your independent auditors that affects every schedule in your report. Coupled with the GASB 34 “Statement of Activities” reporting, our industry has concocted multiple ways to report the same activities. Now as an organization, T.A.C.A. is asking you to keep in mind, when you compile your financial statements, a process referred to as the “Uniform Chart of Accounts for Texas Counties.” Accountants will immediately envision a numerical scheme that describes the order in which revenues, expenditures, assets, liabilities, and equity accounts are recorded. However, this truly does not describe what is being attempted here. The Texas County Financial Data Advisory Committee (FDAC), was created during the 2001 Texas Legislature by H.B. 2869 to set up some mechanism to compare all of the financial activities of Texas counties with each other.

While most all counties operate under mostly the same statutory guidelines, no two counties actually conduct their affairs the same way. In fact, for a group that primarily can only do what is expressly permitted, we each conduct our business and report our activities in significantly different variations. The FDAC, headed by our fine fellow auditors, Susan Spatho and Tommy Tompkins, (along with other officials) have come up with a framework that classifies our activities and describes how to report them. Their classification scheme can be found on the internet site http://www.window.state.tx.us/lga/chart/appende.html. Virginia Porter has drafted a one-page template to simply report County financial activities. While no schedule is 100% flawless, I believe that Virginia has come up with a simple, yet informative report. I urge all county auditors to attempt to fill out this schedule so that we can provide a “first run” attempt at uniform reporting and to begin to develop a database of information on each county to better inform our legislators on the finances of our counties.

Some people are a lot like Slinkies, not good for much, but always can bring a smile to your face when you push them down a flight of stairs.
TACA Fall Conference South Padre Island, Cameron County October, October, 2005

The Texas Association of County Auditors held its annual conference on South Padre Island for a second consecutive year. It was hard to do, but this year’s conference was even better than the year before.

Thanks go to our host and current TACA President, Mark Yates of Cameron County. Mark will be the first to add many of his staff to the list of those responsible, including first assistant Rob Almon and executive assistant, the Queen of South Padre, Mary Lou MacNelly and all the others who did such an outstanding job for the past two years.

Again there were great speakers, very informative sessions and topics of great interest, but there was a little time left over for some wonderful food and relaxation at Louie’s Backyard and other assorted points of interest. Aside from a great host and staff, such events would not be possible without the support of our sponsors. They give us their time, their expertise and, very generously, their financial support. Below are listed these friends of TACA. Be sure to thank them for all they do for us and county government.

This next October TACA heads from extreme southern Texas to extreme west Texas- El Paso, where Ed Dion is getting ready to host our fall conference. Look for more information on the list serve, website and in the Comments as it is available.

(Did anyone find out who the guy in the pirate outfit was?)

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Thank you Robert Baird of IHS for the photos!
Two Great Americans
One Common Bit of Wisdom

“The best thing about the future, is that it only comes one day at a time.” – Abraham Lincoln

“Now I only dread one day at a time.”
– Charlie Brown in Peanuts