

UNDERSTANDING THE BUDGET PROCESS IN A TEXAS COUNTY

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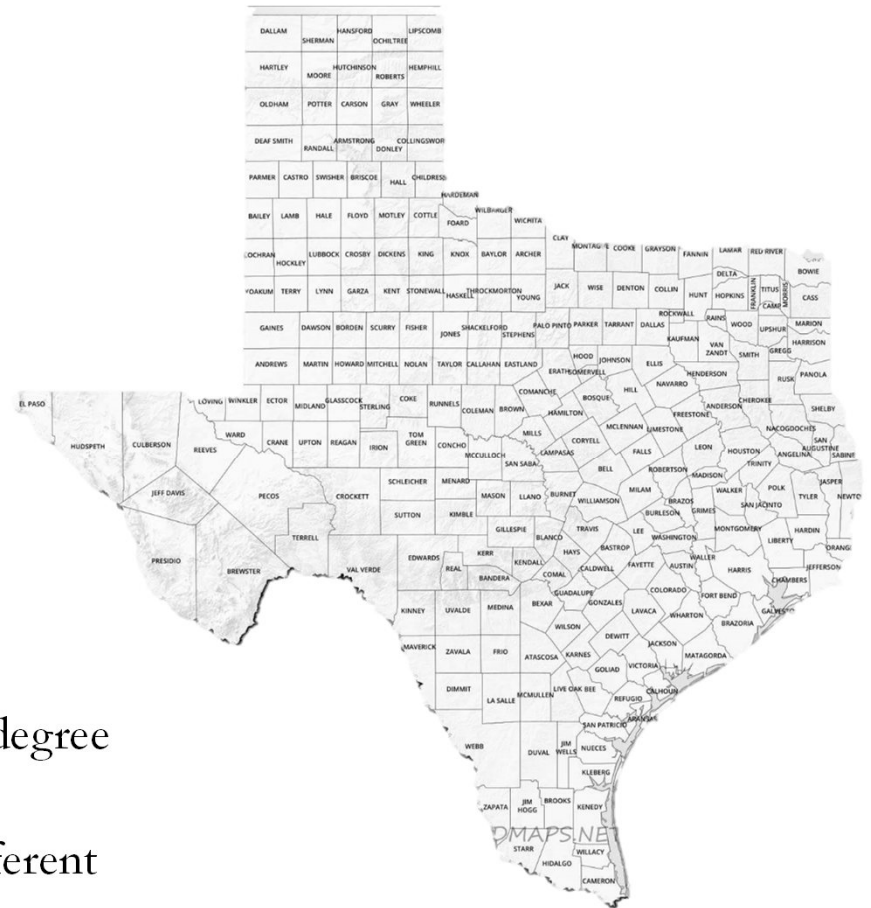
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OVERVIEW

- Budget Fundamentals
- Budget Officer
- Annual Budget Required
- Itemized Budget Contents
- Proposed Budget
- Public Hearings
- Adoption of Budget
- Filing the Budget
- Levy of Taxes and Budget Enforcement
- Changes in Budget
- Reserve Item
- County Auditor's Budget

BUDGET FUNDAMENTALS

- 254 Counties in the State of Texas
- Populations range from 96 people to 4,700,000
- 6 over 1,000,000
- 18 between 200,000 and 999,000
- 17 between 100,000 and 200,000
- 28 between 50,000 and 100,000
- 51 between 20,000 and 50,000
- 134 under 20,000
- Every County's budget process varies to some degree
- Each County Auditor's participation will be different



PURPOSE OF THE BUDGET

- Expression of public policy
 - Tool to help control use of resources
 - Method to evaluate performance
 - Creates accountability
-
- Much more than just a financial plan – Carries the force of LAW
 - It must be Strictly Followed Once it is Adopted

RESOURCES

- Texas Local Government Code Chapter 111
- Texas Local Government Code Chapter 152
- Texas Tax Code Chapter 26
- Truth in Taxation – Understand It
- Other Texas County Auditors
- Look at other County's Budgets Online
- Online Resources – Texas Constitution & Statutes/[Justia](#)/[FindLaw](#)/

COMPREHENSIVE BUDGET

- Budget Policy with background information and graphics
- Statement as to mission, goals and objectives of county
- Analysis of economic conditions – past, present and future
- Organizational chart of the county government
- Budget calendar
- Analysis of tax rates to include appraised and taxable value
- Breakdown of operating budget by line item with comparable
- Breakdown of the capital budget
- Overview of special revenue funds
- Analysis of staffing needs, changes and related costs

COMPREHENSIVE BUDGET

- Should Include Historical Information
 - Revenues
 - Expenditures
 - Property Values
 - Debt
 - Adopted Financial Policies

THE REALITY

- “There are 254 counties in the State of Texas”

- Financial Software
- Budget Software
- Staffing
- Technical Expertise
- Participants in the process



- What is actually required in the Budget?
 - For most of us **LGC – 111.004** gives us the **Details**

BUDGET OFFICER

Sec. 111.001

- Subchapter A Population < 225,000 County Judge
- Subchapter B Population > 225,000 County Auditor
- Subchapter C Population > 125,000 Budget Officer

COUNTY JUDGE AS BUDGET OFFICER

Sec. 111.002

- 230 Counties < 225,000 in Population
- County Judge is Budget Officer
- County Auditor assists County Judge

ANNUAL BUDGET REQUIRED

Sec. 111.003

- NOT LATER THAN AUGUST 15th
- County Judge, assisted by County Auditor, shall prepare a Proposed Budget to cover all proposed expenditures of the county for the succeeding fiscal year
- If budget requires more revenue from property tax
 - This budget will raise more total property taxes than last year's budget by \$xxx,xxx which is a xxx% increase, and of that amount \$xxx,xxx is tax revenue to be raised from new property added to the tax roll this year

ITEMIZED BUDGET CONTENTS

Sec. 111.004

The County Judge shall itemize the budget to allow as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes that were made for the preceding fiscal year. The budget must show as definitely as possible each of the projects for which an appropriation is established in the budget and the estimated amount of money carried in the budget for each project.

111.004 Continued – Budget Contents

(b) Budget must contain a complete financial statement showing:

- 1. Outstanding obligations of the county
- 2. Cash on hand to the credit of each fund of the county
- 3. Funds received from all sources during the preceding year
- 4. Funds available from all sources during the ensuing year
- 5. Estimated revenues available to cover proposed budget
- 6. Estimated tax rate required to cover proposed budget

(c) Estimate the revenue derived from taxes levied in the coming year and include it

INFORMATION FURNISHED

Sec. 111.005

- County Judge may require any county officer to furnish existing information necessary to prepare the budget
- If county officer fails to furnish information
 - Judge may request commissioners court to issue an order
 - Directing county officer to produce required information
 - Prescribing the form in which the county officer must produce the information

PROPOSED BUDGET FILED

Sec. 111.006

- When County Judge completes the Proposed Budget, a copy is filed with the County Clerk
- Proposed Budget shall be available for inspection by any person.
- If county has website, county clerk makes sure it is posted on website

PUBLIC HEARINGS

Sec. 111.007

- Commissioners Court shall hold a public hearing on the Proposed Budget. Any person may attend and participate in the hearing.
- Commissioners Court shall hold the hearing not later than the 25th day after the day the budget is filed under section 111.006 but before the commissioners court adopts the county's ad valorem tax rate for the current tax year.

111.007 – Continued Public Hearing Proposed

- Court shall give public notice that it will consider the proposed budget on the date of the hearing. Notice must state the date, time and location of the hearing.
- 1) Not earlier than the 30th day before the date of the hearing
- 2) Not later than the 10th day before the date of the hearing

SPECIAL NOTICE BY PUBLICATION

111.0075

- Court shall publish notice before a public hearing relating to a budget in at least one newspaper of general circulation in the county.
- See details in LGC 111.0075

BUDGET & TAX RATE CALENDAR

TEXAS COUNTIES 2017-18

Budget & Tax Rate Planning Calendar

Note: Deadlines apply to all counties, regardless of Fiscal Year

By April 20 Deadline for chief appraiser to provide preliminary tax roll values. Tax Code 26.09(c)

By July 25 Deadline for chief appraiser to certify appraisal roll to Tax Assessor-Collector. Tax Code 26.01(a)

Before July 26 Before filing annual budget with county clerk, give written notice to each elected county and precinct officer of officer's proposed salary and personal expenses in the budget. LGC 132.003(c)

By July 26* Budget officer files copy of proposed budget with County Clerk. Copy shall be available for public inspection and posted on website. LGC 131.006, 131.037, 132.066
**Note: This is a suggested date. Statutes do not specify it as a deadline.*

By August 1 Tax Assessor-Collector submits appraisal roll, and certifies an estimate of the collection rate for the current year, to Commissioners Court. Tax Code 26.04

By August 1 Calculation of effective and rollback tax rates. Typically done by Tax Assessor-Collector, but Tax Code states "an officer or employer designated by the governing body shall calculate..." The designated officer shall submit the rates to Commissioners Court by August 7 or as soon thereafter as practicable. Tax Code 26.04(c)(4)

_____ Publish newspaper notice of public hearing on the budget. Must be published not earlier than 30th day, nor later than 10th day, before date of hearing. LGC 131.0675, 131.0387, 132.0675

_____ If the salary, expenses or other allowances of any elected county or precinct officers are being increased, publish newspaper notice required by LGC 132.003. Must be published 30 days before the meeting at which officer salaries will be set.

_____ Post notice of budget hearing, at least 72 hours before meeting. LGC 131.003(c) and Open Meetings Act

On or after August 16 Public Hearing on budget (after the 15th day of the month following the month the proposed budget was prepared). LGC 131.007

_____ At regular meeting of Commissioners Court, vote to set salaries, expenses and other allowances of all elected county and precinct officers. (May be done at same meeting as budget hearing.) Following the meeting, provide written notice

to each elected official of his/her salary and personal expenses to be included in the budget. LGC 132.003

_____ Adoption of budget during Commissioners Court. May be done any time after the budget hearing – at that same meeting or at a later meeting. If you plan to adopt the budget at the same meeting, be sure to include a separate item on the agenda for the actual adoption. If you plan to adopt at a later date, include an agenda item to set the date for adoption of budget. The vote to adopt the budget must be a record vote. See LGC Chapter 131 for more specifics about requirements of the vote and required language.

_____ Meeting of Commissioners Court to discuss tax rate and vote on proposed tax rate. If proposed tax rate will exceed the rollback rate or the effective tax rate (whichever is lower), take record vote and schedule two public hearings. LGC 149.030

By Sept. 1* *(Or by 50th day after receiving certified appraisal roll.) Publish Notice of Proposed Tax Rate in newspaper. Must be at least one-quarter page; headline at least 24-point type. Notice must also be posted on the county website. LGC 149.030
Note changes by 84th Legislature: §1 rate exceeds effective or rollback rate, notice must state purpose of increase. See specific wording in LGC 149.030(c).

_____ First public hearing on proposed tax rate. (Not required if proposed tax rate does not exceed the rollback rate or effective tax rate, whichever is lower). Cannot be held until at least 7 days after the notice is published in the newspaper.

_____ Second public hearing on proposed tax rate. (Not required if proposed tax rate does not exceed the rollback rate or effective tax rate, whichever is lower). Cannot be held until at least 3 days after the first public hearing.

_____ Meeting of Commissioners Court to adopt tax rate. Must be held within 5 to 14 days after date of second public hearing if the hearings are required. Tax Code 26.06(c). Must be held before September 30 or 90 days after receiving certified appraisal roll, whichever is later. Record vote required if adopted rate exceeds effective tax rate. The rate must be broken down into two components: (1) debt service and (2) maintenance and operations. See Tax Code 26.05 for required language and other specifics. At least four members of Court must be present and at least three must vote in favor. LGC 81.006

THIS PUBLICATION IS A RESEARCH TOOL AND NOT THE COUNSEL OF AN ATTORNEY. THIS PUBLICATION IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY. It is provided without warranty of any kind and, as with any research tool, should be double-checked against relevant statutes, case law, attorney general opinions and orders of legal counsel (e.g., your county attorney). Each public officer is responsible for determining when the office is in position to hold. Any question regarding such duties should be directed to competent legal counsel for a written opinion.

**LEGAL RESEARCH**
Toll Free Helpline: (888) 275-8224 • TAC: (800) 456-5374
or visit our website at www.county.org



ADOPTION OF BUDGET

Sec. 111.008

- At the conclusion of the public hearing, Commissioners Court shall take action on the proposed budget. *A vote to adopt the budget must be a record vote*
- Court may make any changes in proposed budget it considers warranted by the law and required by the interest of the taxpayers
- Adoption of a budget that will require more revenue from property taxes than in previous year requires a separate vote to ratify property tax increase in budget
- A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter 26, Tax Code, or other law.

111.008 – Continued

- A) This budget will raise more revenue from property taxes....
- B) This budget will raise less revenue from property taxes....
- C) This budget will raise the same amount of revenue...

111.008 – Continued

- 3) the county property tax rates for the preceding fiscal year, and each county property tax rate that has been adopted or calculated for the current fiscal year, including:
 - (a) the property tax rate;
 - (b) the no-new-revenue tax rate;
 - (c) the no-new-revenue maintenance and operations tax rate;
 - (d) the voter-approval tax rate; and

NOTICES

The Comptroller's office provides model forms that include the required statutory language.

- Form 50-873- Notice of Public Hearing on Tax Increase (PDF), used if the *proposed tax rate exceeds the no-new-revenue tax rate and the voter-approval tax rate*
- Form 50-874- Notice of Public Hearing on Tax Increase (PDF), used if the *proposed tax rate is greater than the voter-approval tax rate and the de minimis rate*
- Form 50-875 – Notice of Public Hearing on Tax Increase (PDF) , used if the *proposed tax rate exceeds the no-new-revenue tax rate and the voter-approval tax rate but does not exceed the de minimis rate*
- Form 50-876 – Notice of Public Hearing on Tax Increase (PDF) , used if the *proposed tax rate exceeds the no-new-revenue tax rate but does not exceed the voter-approval tax rate*
- Form 50-877 – Notice of Public Hearing on Tax Increase (PDF) , used if the *proposed tax rate does not exceed the no-new-revenue tax rate but exceeds the voter-approval tax rate*
- Form 50-878 – Notice of Public Hearing on Tax Increase (PDF) , used if the *proposed tax rate exceeds the no-new-revenue tax rate and the voter-approval tax rate, and de minimis rate exceeds the voter-approval tax rate*
- Form 50-879 – Notice of Public Hearing on Tax Increase (PDF) , used if the *proposed tax rate does not exceed the no-new-revenue tax rate or the de minimis rate but exceeds the voter-approval tax rate*
- Form 50-880 – Notice of Public Hearing on Tax Increase (PDF) , used if the *proposed tax rate does not exceed the no-new-revenue tax rate but exceeds the voter-approval tax rate and the de minimis rate exceeds the voter-approval rate*
- Form 50-887 – Notice of Public Hearing on Tax Increase (PDF) , used *if the proposed tax rate exceeds the voter-approval tax rate but not the no-new-revenue tax rate and de minimis rate exceeds the voter-approval rate*

APPROVED BUDGET FILED

Sec. 111.009

On final approval the budget is filed with County Clerk

- Post on website
 - Copy of Budget with cover page
 - Copy of Record vote on website
- Cover page shall be amended to include property tax rates, if not already on the budget filed with the clerk

LEVY OF TAXES / EXPENDITURES

Sec. 111.010

- Commissioners Court may levy taxes only in accordance with the budget
- Commissioners Court may spend county funds only in strict compliance with budget, except in an emergency
 - Grave public necessity
 - Unusual and unforeseen condition that could not be included in original
 - Shall file a copy of amended budget with County Clerk
- Commissioners Court may amend the budget to transfer amounts from one budgeted item to another without authorizing an emergency expenditure

SPECIAL BUDGETS

111.0106

- SPECIAL BUDGET FOR GRANT OR AID MONEY
- The County Auditor shall certify to the commissioners court the receipt of all public or private grant or aid money that is available for disbursement in a fiscal year but not included in the budget for that fiscal year. On certification, the court shall adopt a special budget for the limited purpose of spending grant or aid money for its intended purpose.

SPECIAL BUDGETS - OTHER

- 111.0107 - Intergovernmental Contracts
- 111.0108 – Revenue received after start of fiscal year
 - New Source – Not Anticipated – Not Included
 - *Not referring to underbudgeted revenues or revenue in excess of what was budgeted*

RESERVE ITEM

Sec. 111.014

- A county may establish in the budget a reserve or contingency item
- Must be included in the itemized budget
- A contingency is a normal part of many budgets
 - Sound Planning
 - Helps with unanticipated / unforeseen expenditures
 - Provides flexibility
 - Keeps from distorting original budget
 - May be included in each department or may be in one account in each fund

LIMITATION OF BUDGET OF COUNTY AUDITOR

111.013

- An increase from one fiscal year to the next in the amount budgeted for expenses of the county auditor's office of the salary of an assistant auditor shall not exceed five (5) percent without approval of the commissioners court.
 - Does not include addition of staff
 - Does not include the Auditor's salary

COUNTY AUDITOR'S SALARY

Sec. 152.031

- Public Hearing
- Salary set by District Judge(s)
- Travel expenses and other allowances set
- Judge's order recorded in district court
- Judge's order certified to Commissioners Court for its observance and recorded in the minutes
- Salary shall be paid to County Auditor

COUNTY AUDITOR BUDGET

Sec. 152.032

Limitations on the Auditor's Budget

- County Auditor's salary may not exceed the amount of compensation and allowances received from all sources by the highest paid elected county officer, other than judge of statutory court (County Court at Law)

BUDGET PREPARATION

- The County Auditor may perform a multitude of tasks in the preparation of the budget:
- Each County Auditor is Different
- Each County Judge is Different
- Each Court is Different
- Each County is Different

Things to Remember

- The Proposed Budget is the County Judge's (assuming Chap A)
- No matter the level of participation you had in the budget –
The Proposed Budget is the County Judge's

The Budget belongs to Everyone once Adopted and;
The Commissioners Court Adopts the Budget

Things to Remember - Continued

- Holding workshops before proposing a budget creates “Buy-In” from the Commissioners, Elected Officials and Department Heads
- Respectfully seeking input from all involved leads to a sense of team-work and appreciation
- Once adopted – The Auditor’s job is to strictly enforce
- A good budget is easier for you to enforce!

COUNTY AUDITOR RESPONSIBILITY

- Assist the County Judge as required
- Provides certified revenue estimates for all funds
- Estimates the fund balance (Reserves) for all funds
- Certify revenue from grants & intergovernmental contracts

COUNTY AUDITOR RESPONSIBILITY

Remember – 111.004

- MUST CONTAIN A COMPLETE FINANCIAL STATEMENT
 - Outstanding obligations of the county
 - Cash on hand to the credit of each fund of the county government
 - Funds received from all sources during the preceding fiscal year
 - Funds available from all sources during the ensuing (current) fiscal year
 - Estimated revenues available to cover the proposed budget
 - Estimated tax rate required to cover the proposed budget

COUNTY AUDITOR RESPONSIBILITY

AFTER BUDGET IS ADOPTED

(Population affects some of these)

- Open an appropriation account for each item per budget
- Ensure all encumbrances are properly charged
- Periodically report condition of all accounts to court
- Strictly enforce the budget

COUNTY AUDITOR RESPONSIBILITY

May perform a variety of other tasks

- Compile data
- Perform analysis
- Calculate payroll and benefits
- Enter budget information into financial system
- Prepare final budgets for filing
- Create worksheets
- Etc./Etc./Etc. – Whatever it takes to get it done

ESTIMATING REVENUE

- Create my budget worksheet
 - Pull 2 - 3 years of prior year budget and actual data
 - Pull current year's revenue year to date
 - Estimate current year's revenue through year end
 - Analyze actual to budgeted revenue from data set
 - Project revenues for next year
- Perform this exercise fund by fund
- General Fund, Road and Bridge Funds and Special Revenue Funds



ESTIMATING REVENUE

- Things to consider
 - Economy
 - Activities that generate fees in each department
 - Property Tax valuations (many times forecast at prior year levels initially)
 - Abatements
 - Interest Rates
 - Grants
 - Interlocal Agreements
 - Supplements from State

ESTIMATING EXPENDITURES

- Create my budget worksheet
 - Pull 2 - 3 years of prior year budget and actual data
 - Pull current year's expenses to date
 - Estimate current year's expenses through year end
 - Analyze actual to budgeted expenses from data set
 - Add departmental requests to budget
 - Project expenses for next year
 - Analyze variances – increases and decreases are important to explain
- Perform this exercise fund by fund
- General Fund, Road and Bridge Funds and Special Revenue Funds
- BUDGET CLOSE TO ACTUAL AND ALLOW FOR CONTINGENCIES

ESTIMATING EXPENDITURES

- Things to consider
 - Economy
 - Increased costs
 - Employee benefits
 - Personnel additions
 - Insurance policies
 - Contracts and agreements
 - Fuel
 - Road Materials
 - Facilities repairs
 - Capital projects

A circular diagram illustrating the relationship between Theory and Practice. The word "THEORY" is written in a cursive, handwritten style at the top, and the word "PRACTICE" is written in the same style at the bottom. Two curved arrows connect them: one on the left pointing from Practice up to Theory, and one on the right pointing from Theory down to Practice, forming a continuous loop.

THEORY

PRACTICE

IN PRACTICE

BUDGETING IS TEAMWORK

Communicate with County Judge and Commissioners to set expectations

- Pay and benefit increases / decreases
- Personnel additions / deletions
- Capital expenditures – List these

IN PRACTICE

- Create a plan for the budget with the County Judge
- Prepare the calendar – Typically the County Judge would do this and may get help from Auditor, Tax Assessor, Court, etc.
- Prepare budget worksheets and distribute
- Gather data from department heads and elected officials
- Obtain historical data
- Accumulate and prepare the data into your financial system or worksheets

IN PRACTICE

- Budget workshops with court before or after Proposed Budget is filed
- Budget hearings with department head or official requesting changes
- Budget hearings for all department heads /EO
- Workshop presentation to court on projector or big screen instead of paper

SPECIAL CONSIDERATIONS

- General Fund
- Road & Bridge Funds
- Special Revenue Funds
- Capital Project Funds
- Debt Service Funds
- Grants

QUESTIONS

