

Coke County Officials

County Justice of the Peace

Precinct 1 • Jackie Walker • Elected in 2010 • Precinct 2 • Grady Coulter • Elected in 2004

The justice of the peace is the legal jurisdiction closest to the average citizen. Justices of the Peace hear misdemeanor cases punishable by fine only. The justice court also has authority to hear most civil cases in which the amount in controversy does not exceed \$10,000. The justice of the peace also performs the functions of a magistrate and conducts inquests. In addition, a justice of the peace may issue a variety of civil process, as well as warrants for search and arrest. Justices of the peace also conduct preliminary hearings, administer oaths, perform marriages and serve as a coroner in counties where there is no medical examiner. They can also deal with matters concerning foreclosure of mortgages and enforcement of liens on personal property, as well as landlord-tenant disputes. As with all elected county officials, the justice of the peace has ultimate authority over the operations of the office, including the authority to hire and fire personnel and direct their daily activities. The justice of the peace also has authority to determine how to use all other resources allocated to the office during the budget process.

County Constable

Precinct 1 • Marshall Millican • Elected in 2008 • Precinct 2 • Marty Boyd • Elected in 2010

Constables are certified peace officers and, along with their deputies, have all the enforcement powers of any other peace officers and often participate actively in criminal investigations. In many communities, constables focus on truancy cases. Not only does a constables perform traditional law enforcement functions, the constable also serves as bailiff for the justice courts, serves subpoenas and other process and plays an important role in making sure the judgments rendered in civil cases are satisfied. The constable also has duties related to keeping accounts of the financial transactions of the office and is responsible for property seized or money collected by court order. As with all elected county officials, the constable has ultimate authority over the operations of the office, including the authority to hire and fire personnel and direct their daily activities. The constable also has authority to determine how to use all other resources allocated to the office during the budget process.

Texas Constitution • Article 5 Section 18

(h) The commissioners court of a county may declare the office of constable in a precinct dormant if at least seven consecutive years have passed since the end of the term of the person who was last elected or appointed to the office and during that period of time no person was elected to fill that office, or during that period a person was elected to that office, but the person failed to meet the qualifications of that office or failed to assume the duties of that office. If an office of constable is declared dormant, the office may not be filled by election or appointment and the previous officeholder does not continue to hold the office under Subsection (a) of this section or Section 17, Article XVI, of this constitution. The records of an office of constable declared dormant are transferred to the county clerk of the county. The commissioners court may reinstate an office of constable declared dormant by vote of the commissioners court or by calling an election in the precinct to reinstate the office. The commissioners court shall call an election to reinstate the office if the commissioners court receives a petition signed by at least 10 percent of the qualified voters of the precinct. If an election is called under this subsection, the commissioners court shall order the ballot for the election to be printed to permit voting for or against the proposition: “Reinstating the office of Constable of Precinct No. ____ that was previously declared dormant.” The office of constable is reinstated if a majority of the voters of the precinct voting on the question at the election approve the reinstatement.

THE SHERIFF HAS NO CONTROL OF OR AUTHORITY OVER ELECTED CONSTABLES.

County Treasurer • Hal Spain • Elected to Office in 2010

The county treasurer, as the chief custodian of all county funds, including the general fund and special funds, such as those dedicated to a certain purpose and those under the control of an elected official other than the commissioners court. The treasurer has a duty to receive all money received by the county from any source and place it in the appropriate county depository. All county money received by any official must be delivered promptly to the county treasurer for proper handling. The county treasurer is also responsible for disbursing county funds as directed by the commissioners court consistently with the law. The county treasurer often acts as the chief liaison between the county and all depository banks. In this capacity, he or she maintains records of all deposits and withdrawals, and reconciles all bank statements, thus assuring their accuracy and the safety of county funds. The county treasurer, who may be designated as the county’s investment officer, is required to submit regular reports to the commissioners court about the county’s finances. As with all elected county officials, the treasurer has ultimate authority over the operations of the office, including the authority to hire and fire personnel and direct their daily activities. The treasurer also has authority to determine how to use all other resources allocated to the office during the budget process.

County Auditor • Sheryl Tavarez • Appointed by District Judge Barbara Walther

The county auditor maintains the integrity of financial administration of county government by overseeing the county’s financial record-keeping and assuring that all expenditures comply with the county budget and the law. The county auditor has continuous access to all books and financial records of every elected official and conducts detailed reviews of all county financial operations. The office of county auditor is not subject to the control of the commissioners court or any other county official, but is appointed by the district judge(s) serving the county. Both the county auditor and commissioners court are required by law to approve claims for disbursement of county funds. The integrity of county financial administration is entrusted to a dual control system of “checks and balances.” As with the elected county officials, the county auditor has ultimate authority over the operations of the office, including the authority to hire and fire personnel and direct their daily activities. The auditor also has authority to determine how to use all other resources allocated to the office during the budget process.

When the Texas Constitution originated, there was no mention of County Auditors. However in 1905, the county auditor position was enacted by statute and not an amendment to the Constitution. At that time, appointment as auditor was a joint effort of the county judge and the district judge. In 1917, district judges were given the sole responsibility for these appointments. According to previous county officials, a proposed mandate went out some years later from state government which would require all counties to have an auditor. The Commissioners Court in Coke County at that time immediately took action and the first auditor was appointed in Coke County. However, when the law was enacted, counties with populations under 10,200 were not required to have an auditor. Coke County was left with an auditor they weren’t required to have, but could not remove. Only the District Judge could make the change. Current District Judge Barbara Walther has refused to discontinue this position. The laws pertaining to this office are below.

Sec. 84.002. APPOINTMENT OF COUNTY AUDITOR. (a) In a county with a population of 10,200 or more, the district judges shall appoint a county auditor.

(b) In a county with a population of less than 10,200:

(1) the district judges may appoint a county auditor if the judges determine that the county’s financial circumstances warrant the appointment; and

(2) the district judges shall appoint a county auditor if:

(A) the commissioners court finds that a county auditor is necessary to carry out county business and enters an order in its minutes stating the reason for this finding;

(B) the order is certified to the district judges; and

(C) the district judges find the reason stated by the commissioners court to be good and sufficient.

Sec. 84.009. REMOVAL. (a) A county auditor may be removed from office and a successor appointed if, after due investigation by the district judges who appointed the auditor, it is proven that the auditor:

(1) has committed official misconduct; or

(2) is incompetent to faithfully discharge the duties of the office of county auditor.

(b) The district judges who appointed a county auditor under Section 84.002(b)(2) or Section 84.008 may discontinue the services of the auditor after the expiration of one year after the date of the appointment if it is clearly shown that the auditor is not necessary and the auditor’s services are not commensurate with the auditor’s salary.