

Report on Guidance provided to Constables

This is intended to be a summary and compilation of guidance the Office of the County Attorney has provided during the past few months concerning issues that have arisen with respect to various Constable Offices.

Matters Reviewed

The following are matters reviewed:

- The appropriate use of county offices, equipment and personnel.
- The administration of the contract deputy programs.
- The service of vacate notices.
- The accuracy of timesheet records for county employees.
- The issuance of “honorary” badges to non-deputies.
- The use of reserve deputies.

Powers and Duties of the Office of the Constable

The general powers and duties of Constables are principally set forth in Subsections (a) through (e) of Section 86.021, Local Government Code. These include executing civil or criminal process, warrants, and precepts and serving as bailiffs in Justice Courts. Harris County has eight Constable Precincts with budgets ranging from \$5,710,000 (Precinct 8) to \$28,175,000 (Precinct 5). Collectively the eight precincts are afforded funds of \$119,900,000 annually to service the 1,703.48 square miles of Harris County.

Use Of County Property, Equipment And Personnel For Charitable Purposes

The Texas Constitution generally prohibits the use of public property for private purposes. TEX. CONST. ART. III, § 52(a); TEX. CONST. ART. III, § 51; TEX. CONST. ART. XVI, § 6(a). However, the courts have held that Article II, section 52 does not prohibit a county from providing public resources to a private entity provided that the expenditure serves a public purpose of the county, the county receives adequate consideration, and there are sufficient controls to ensure that the public purpose will be accomplished.

The Constables' Offices have a long history of helping various charities. County employees should not feel compelled to contribute to any charity whether or not it is associated with the elected office. County employees should be told in writing that no adverse consequences will result if an employee chooses not to contribute to or participate in the nonprofit's activities. Procedures should be in place to insure that such directives are followed by all employees.