

Unit Systems for County Road Design, Construction and Maintenance



Texas Counties With Unit Systems

Counties with Unit Systems
Source: Texas Association of Counties

County	Population	Voluntary	Election	County	Population	Voluntary	Election	County	Population	Voluntary	Election
Bandera	20,485		1	Galveston	291,309		1	Orange	81,837		1
Bee	31,861		1	Grimes	26,604		1	Rains	19,814		1
Bell	310,235		1	Guadalupe	131,533		1	Reeves	13,783		1
Bexar	1,714,773		1	Harrison	65,631		1	Roberts	929		1
Brazoria	313,166		1	Hood	51,182		1	Runnels	10,501		1
Brazos	194,851		1	Howard	35,012		1	Schleicher	3,461		1
Brewster	9,232		1	Jim Hogg	5,300		1	Smith	209,714		1
Brooks	7,223		1	Kendall	33,410	1		Somerell	8,490		1
Caldwell	38,066		1	Kent	808		1	Sterling	1,143		1
Cameron	406,220		1	Kerr	49,625		1	Stonewall	1,490		1
Chambers	35,096		1	Kinney	3,598		1	Sutton	4,128		1
Collin	782,341		1	Knox	3,719	1		Travis	1,024,266		1
Collingsworth	2,057		1	Limestone	23,384		1	Upshur	39,309		1
Comal	108,472		1	Llano	19,301	1		Uvalde	26,405		1
Coryell	75,388		1	Martin	4,799		1	Val Verde	48,879		1
Crane	4,375		1	Mason	4,012		1	Waller	43,205		1
Crockett	3,719		1	Menard	2,242		1	Washington	33,718		1
Ector	137,130		1	Mills	4,936		1	Webb	250,304	1	
El Paso	800,647		1	Moore	21,904		1	Williamson	422,679		1
Falls	17,866		1	Nacogdoches	64,524		1	Totals/Avg	138,648	5	56
Frio	17,217	1		Nueces	340,223		1				

Superintendent or Voluntary System

- ▶ This subchapter does not apply to **Angelina**, Aransas, Blanco, Bowie, Calhoun, Camp, Cass, Cherokee, Comal, Dallas, Delta, DeWitt, Fayette, Franklin, Galveston, Gillespie, Grayson, Gregg, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Jack, Jackson, Jasper, Lamar, Lavaca, Limestone, McLennan, Milam, Montgomery, Morris, Nacogdoches, Newton, Parker, Rains, Red River, Refugio, Sabine, San Augustine, Shelby, Smith, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Washington, or Wood County.

Tex. Transp. Code Ann. § 252.201 (West)



Engineer/Administrator or Referendum System



Engineer/Administrator System

- ▶ A county may adopt this subchapter at an election held as provided by this section.
- ▶ (b) The commissioners court shall submit the question of whether to adopt this subchapter to the voters of the county if it receives a petition signed by a number of registered voters of the county equal to at least 10 percent of the number of votes received in the county by all the candidates for governor in the most recent gubernatorial election. The court shall order the election to be held on the first authorized uniform election date prescribed by Subchapter A, Chapter 41, Election Code, that occurs after the 30th day after the date the petition is filed with the court. The ballot for the election shall be printed to permit voting for or against the proposition: “Adopting the Optional County Road System in _____ County.”
- ▶ (c) If the majority of the votes received in the election favor adoption, this subchapter takes effect in the county on the date the official result of the election is determined.
- ▶ (d) A county that votes to adopt this subchapter may vote in the same manner to discontinue use of this subchapter.
- ▶ (e) An election on the question of adopting or discontinuing use of this subchapter may not be held more often than every two years.

Tex. Transp. Code Ann. § 252.301 (West)



Engineer/Administrator System

- ▶ (a) The county road department is responsible for the construction and maintenance of county roads.
- ▶ (b) The county road department includes:
 - ▶ (1) the commissioners court as the policy-making body;
 - ▶ (2) the county road engineer as the chief executive officer;
 - ▶ (3) other administrative personnel; and
 - ▶ (4) road employees

Tex. Transp. Code Ann. § 252.302 (West)



Authority of the Commissioners Court to “set policy” explained

- ▶ PD-537 (formerly V-537), 1948 Attorney General Opinion:
 - ▶ “policy is defined by Webster as “a definite course or method adopted and followed by a government, institution, body or individual.”
 - ▶ “determine” as there used means “decide”.
- ▶ So under 252.302, the Commissioners Court may set policy objectives, but the Engineer/Administrator decides out to achieve those policy objectives.
 - ▶ Example: A policy could state that the Engineer/Administrator, so far as practicable, develop plans to distribute road maintenance funds in based upon some reasonable formula.
 - ▶ That could be by road miles, population, tax base, topography, etc. This policy would be subject to implementation by the Engineer/Administrator.
 - ▶ §252.303 says that the assets of the “department equipment, materials, and supplies ...are to be based on the county as a whole without regard to commissioner precincts.”



Engineer/Administrator System

- ▶ In a county that adopts this subchapter, the construction and maintenance of county roads, the ownership and use of county road department equipment, materials, and supplies, and the administration of the county road department are to be based on the county as a whole without regard to commissioners' precincts.

Tex. Transp. Code Ann. § 252.303 (West)



Engineer/Administrator System

- ▶ The commissioners court shall appoint a county road engineer, who must:
 - ▶ (1) be a licensed professional engineer experienced in road construction and maintenance; and
 - ▶ (2) meet the qualifications required by the Texas Department of Transportation for its district engineers.
 - ▶ (b) If the commissioners court is unable to employ a licensed professional engineer, it may employ a county road administrator to perform the duties of the county road engineer. The county road administrator must have had experience in road building or maintenance or other types of construction work qualifying the person to perform the duties of the position but need not have had any particular amount of professional training or experience in engineering work.
Tex. Transp. Code Ann. § 252.304 (West)
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Engineer/Administrator System

- ▶ A county road engineer must take the official oath of office.
- ▶ (b) As required by the commissioners court, the county road engineer and other administrative personnel of the county road department must give a bond in an amount and with a surety approved by the commissioners court. The county shall pay the premiums on the bond.

Tex. Transp. Code Ann. § 252.305 (West)



Administrator

- ▶ The statute provides for an engineer, unless the County is “unable” to hire an engineer, in which case, the county can hire an “administrator” that does not have the credentials of an engineer, but who has experience in road building “or other” experience.
- ▶ The critical aspect of the job is the ability to truly “administer” the complex issues of budgeting, hiring/firing, delegation of duties, and management of personnel that would be required of a county-wide road and bridge department.



Engineer/Administrator System

- ▶ (a) A county road engineer holds the position for an indefinite term.
- ▶ (b) A county road engineer may be removed by a majority vote of the commissioners court. The removal takes effect on the 30th day after the date the county road engineer receives written notice that the court intends to remove the engineer. The court shall hold a public hearing on the removal before the removal takes effect if the county road engineer requests a hearing in writing.
- ▶ During any period the Engineer/Administrator is absent or unable to perform, the Commissioners Court may appoint a qualified temporary administrator.

Engineer/Administrator System

- ▶ The Commissioners Court sets policy.
- ▶ The Engineer/Administrator responsible for execution of policy.
 - ▶ Has discretion to hire and fire within budget.
 - ▶ Prepares estimates and specifications for work.
 - ▶ Responsible for equipment and personnel.
- ▶ Other than “inquiry”, the Commissioners Court has no power over road department personnel.

§252.309 Texas Transportation Code



Engineer/Administrator System

- ▶ Before the commissioners court orders payment of a claim covering the purchase of equipment, materials, supplies, or services, including county road construction or maintenance, contracted for by the court, the county road engineer must certify in writing that the claim is correct and that:
 - ▶ (1) any equipment, materials, or supplies covered by the claim conform to specifications approved by the county road engineer and have been delivered in good condition;
 - ▶ (2) any county road department services contracted for by the commissioners court have been satisfactorily performed; and
 - ▶ (3) any county road construction or maintenance done under the contract conforms to the plans and specifications called for in the contract.

Tex. Transp. Code Ann. § 252.313 (West)



Examples of Duties of Engineer/Administrator- §252.309 Transportation Code

The county road engineer shall:

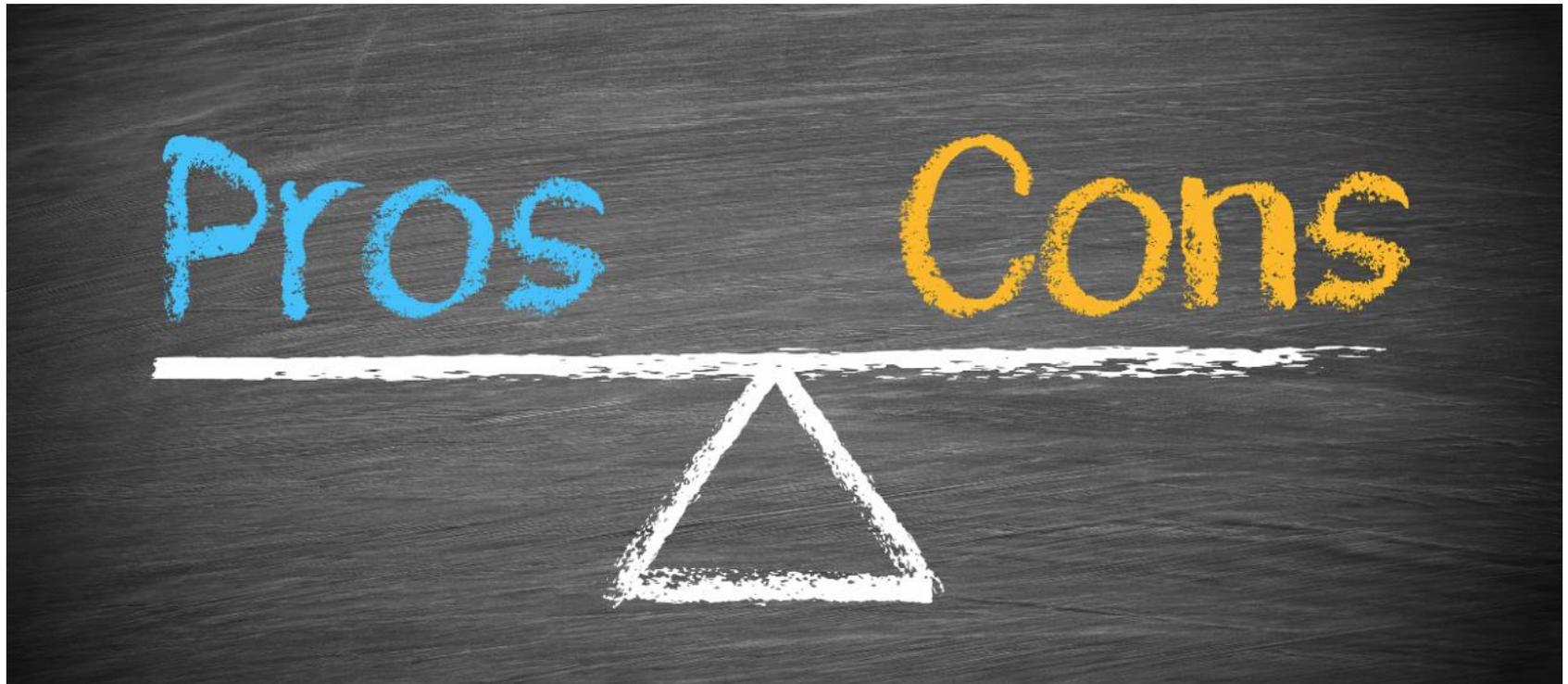
- (1) ensure that the policies of the commissioners court relating to county roads are faithfully executed;
- (2) supervise the administration of the county road department;
- (3) prepare detailed annual budget estimates for the construction and maintenance of the county roads and the operation of the county road department;
- (4) prepare estimates and specifications for the equipment, materials, supplies, and labor necessary for the construction and maintenance of the county roads and the operation of the county road department;
- (5) serve as custodian of the equipment, materials, and supplies belonging to the county road department;
- (6) prepare plans and specifications for county road construction and maintenance;
- (7) maintain cost-accounting records of county road department expenditures;
- (8) keep an inventory of county road department equipment, materials, and supplies; and
- (9) perform any other duties required by the commissioners court that are consistent with this subchapter.





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Pros and Cons of “Unit” System

- ▶ Pro: Efficiencies of scale and administration in some areas of the budget, purchasing, etc.
 - ▶ Con: Some duplication of equipment however is unavoidable in large geographic areas to avoid “roading of equipment”.
 - ▶ Pro: Relieves elected Commissioner of the duties and responsibilities of road maintenance
 - ▶ Con: Subjects elected Commissioner to dissatisfaction with roads without direct ability to alter conditions
 - ▶ Pro: Eliminates annual budget disputes tied to road miles in each elective Precinct.
 - ▶ Con: May lead to some areas getting disproportionate share of revenue if conditions/population demands or needs are greater in that area.
 - ▶ Pro: Professional expertise in design, construction and maintenance.
 - ▶ Con: Not all engineers are good administrators. Management is the most critical aspect of this system of road maintenance.
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Financial Base Line: 2020 R&B Budget

Angelina R&B Budget	Amt	%	Avg/w/bene	Avg/Pct
Total R&B Budget	\$ 4,211,838.00			\$ 1,052,959.50
Payroll	\$ 2,349,785.00	55.8%	\$ 60,250.90	\$ 587,446.25
Material/Equipment	\$ 1,862,053.00	44.2%		\$ 465,513.25



Misconceptions and Myths

- ▶ “Unit Systems” do not necessarily mean a reduction in the number of employees, or the overall costs of road maintenance and administration. Proper administration experience required, which will require a good salary.
- ▶ Equipment will still need to be allocated geographically in order to reduce “road time”. Thus, while there may be some marginal reduction in equipment duplication, the savings may not be significant.
- ▶ Unit System works only under two conditions: quality personnel and cooperative spirit. Without a truly qualified engineer or administrator, and a desire to see the system succeed on the part of the Commissioners Court, a Unit System is doomed to fail or disappoint financially.





That's all Folks!

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