

February 10, 2023

The Honorable Greg Abbott, Governor
The Honorable Dan Patrick, Lieutenant Governor
The Honorable Dade Phelan, Speaker of the House
The Honorable Lina Hidalgo, Harris County Judge
Harris County Commissioners Court

Re: Notice of Determination under Local Government Code, Section 120.007(a)

Ladies and Gentlemen:

On December 14, 2022, my office received a request from the Criminal Justice division of the Office of the Governor to investigate a complaint from Constable Ted Heap of Harris County Constable Office Precinct 5. The complaint is summarized below:

The Harris County 2023 fiscal year adopted budget reduced the resources available to Precinct 5 by \$2,367,444 compared to the previous year's annualized budget.

Local Government Code, Section 120.007(a) requires my office, on request by the Office of the Governor, to determine whether a county has implemented a proposed reduction or reallocation described by Local Government Code, Section 120.002(a) without the required voter approval.

After careful review, we find that the complaint provides evidence of a reduction of funding for a law enforcement agency when comparing the adopted and implemented budget for the current fiscal year to the adopted budget for the preceding fiscal year.

Harris County adopted a budget for a 7-month Short Fiscal Year from March 1, 2022, to September 30, 2022 (SFY 2022). Harris County also adopted and implemented a budget for a 12-month fiscal year beginning on October 1, 2022 (FY 2023). The complaint alleges that the FY 2023 budget reduces the overall funding for Precinct 5 when compared to the SFY 2022 budget, when annualized on a month-to-month basis. We confirmed that annualized SFY 2022 adopted budget for Precinct 5 was \$48,949,795, as compared to \$46,582,350 for the FY 2023 adopted budget. The funding shortfall is \$2,367,444.86 (see Appendix).

It is not relevant whether the reduction in funding resulted from an intention by the Commissioners Court to reduce funding for law enforcement agencies or the result of a decision to adopt a short fiscal year budget. The result is the same; Harris County did not allocate the same or more financial resources to the Precinct 5 Constable Office in the FY 2023 budget when compared to the SFY 2022 budget.

The county could implement this budget reduction if the county receives voter approval for the reduction at an election held for that purpose; however, the county has not sought voter approval as of the date of this determination.



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In compliance with Local Government Code Section 120.007(c), we have determined that Harris County implemented a proposed reduction described by Section 120.002(a) without the required voter approval.

We acknowledge that Harris County has adopted the No-New-Revenue ad valorem tax rate for FY 2023. Harris County may not, however, adopt an ad valorem tax rate that exceeds the county's No-New-Revenue tax rate until the earlier of either the date my office issues a written determination the county has reversed the funding reduction that is the subject of this determination or the date when the funding reduction has been approved in an election. Tex. Loc. Gov't Code §§ 120.007(c)(1), 120.007(c)(2).

Sincerely,



Glenn Hegar



Appendix
Comparison of Harris County Adopted Budget for Short Fiscal Year 2022 and Adopted Budget for Fiscal Year 2023

Department	Short Fiscal Year 2022 Adopted Budget ¹		Fiscal Year 2023 Adopted Budget ²			
	Total SFY22 Budget	SFY22 Budget, per month	Total FY23 Budget	FY23 Budget, per month	Difference between SFY22 and FY23, per month	Difference Per Year
301-Constable, Pct 1	\$27,687,202	\$3,955,314.57	\$45,364,315	\$3,780,359.58	\$ (174,954.99)	\$ (2,099,459.86)
302-Constable, Pct 2	\$7,203,497	\$1,029,071.00	\$11,757,948	\$979,829.00	\$ (49,242.00)	\$ (590,904.00)
303-Constable, Pct 3	\$12,215,262	\$1,745,037.43	\$19,919,058	\$1,659,921.50	\$ (85,115.93)	\$ (1,021,391.14)
304-Constable, Pct 4	\$38,725,117	\$5,532,159.57	\$63,147,400	\$5,262,283.33	\$ (269,876.24)	\$ (3,238,514.86)
305-Constable, Pct 5	\$28,554,047	\$4,079,149.57	\$46,582,350	\$3,881,862.50	\$ (197,287.07)	\$ (2,367,444.86)
306-Constable, Pct 6	\$6,998,207	\$999,743.86	\$11,414,038	\$951,169.83	\$ (48,574.02)	\$ (582,888.29)
307-Constable, Pct 7	\$9,582,988	\$1,368,998.29	\$15,647,290	\$1,303,940.83	\$ (65,057.45)	\$ (780,689.43)
308-Constable, Pct 8	\$6,157,362	\$879,623.14	\$10,039,046	\$836,587.17	\$ (43,035.98)	\$ (516,431.71)

Sources:

1. [Harris County Short Fiscal Year 2022 Approved/Adopted Budget \(Excel\)](#)
2. [Harris County Fiscal Year 2023 Adopted Budget \(Excel\)](#)