

This listing is for purposes of clarifying the area of responsibilities and work of the attorneys of the Civil Division of the County Attorney's Office, including the handling of Open Records Requests.

Civil Division – County Attorney's Office

Areas of Responsibility

1. OPEN RECORDS REQUESTS:

Elected County Officials¹:

The Civil Division (Civil Chief, Hank Prejean and Asst. County Attorney Shannon Francis with the assistance of administrative/legal assistant, Sheila Clevenger) will handle all Open Records Requests and matters directed to **all Elected County Officials** or members of their Departments (*except* any Elected Official who wishes to handle a particular matter "in-house") and, upon request, EMS.

Hank Prejean, Civil Chief: will handle and be the primary contact person for Open Records Requests from the Sheriff's Office, the Tax –Assessor-Collector's Office and EMS.

Shannon Francis, Asst. County Attorney: will handle and be the primary contact for all other *Elected Officials'* requests , but you may, of course , contact either one of us as needed or in the event of urgency.

2. LEGAL OPINION INQUIRIES – GENERAL COUNSEL MATTERS:

Elected County Officials (and others upon request):

The Civil Division will handle requests for legal opinions and general counsel-type matters² from **all Elected County Officials** or members of their Departments (*except for* any Elected Official who wishes to handle a particular matter "in-house"). The County Attorney has a statutory duty, on request, to give to a county or precinct official a legal opinion regarding the official duties of that official, Tex. Gov't Code § 41.007, and the Civil Division is available to serve your legal needs in this area upon request.

Hank Prejean, Civil Chief: will be your (the Elected Official or other County official/employee's) primary contact in our office for:

- all potential liability questions where there is the possibility of litigation or claims against the Elected County Official, a Department member or the County generally; answers questions and responds to claims and potential litigation against County officials and employees;

¹ **Hal Hawes**, Legal Advisor to the Commissioners Court, handles legal questions and issues related to Public Information Act requests for the Commissioners Court and Departments under the Court.

² Matters regarding the formation or preparation of proposed contracts that will be approved by Commissioners Court should be referred to Hal Hawes, Legal Advisor to the Commissioners Court, for his handling.

- legal advisor to the Sheriff on various matters including matters related to the Sheriff's official duties ; attends DRB's (Disciplinary Review Board hearings) and handles legal issues of the Sheriff's Department
- questions you have with regard to employment law and personnel-related matters (it is recommended you also contact HR Director, Lisa Zirkle as well);
- General inquiries and requests for legal opinions from any Department
- Open Meetings Act questions and inquiries

Shannon Francis, Asst. County Attorney: will be your primary contact in our office for:

- Questions and legal inquiries from Constables or JP's and questions related to civil process, or execution and writs
- Other Department's inquiries as needed

3. CLAIMS/ POTENTIAL CLAIMS AND SUITS AGAINST ELECTED COUNTY OFFICIALS OR THEIR DEPARTMENT MEMBERS, INDIVIDUALLY (AND OTHER NON-ELECTED COUNTY OFFICIALS UPON REQUEST):

Elected County Officials (and others upon request):

The County Attorney's Office has a statutory duty to defend Elected County Officials and other County officials in suits filed against them for actions arising from the performance of official duties. Tex. Local Gov't Code § 157.901, and the Civil Division is available to serve your legal needs in this area upon request. (The County official or employee may, of course, elect to obtain his/her own private counsel.)

Hank Prejean, Civil Chief: will be your (the Elected Official or other County official/employee's) contact in our office for:

- Questions and legal inquiries involving claims or potential claims against Elected County Officials or their employees;
- Suits filed against and served on Elected County Officials individually or their Department members individually ;
- Answers questions and responds to claims and potential litigation against Elected County officials and their employees, and others upon request.
- Represents the Elected Official as claimant or plaintiff seeking recovery of damages or presenting contract claims that may result in litigation, when requested to do so by the Elected Official or by Comm. Court for an appointed Department Head. If necessary files suit for County as plaintiff upon authorization from Commissioners Court;
- Handles pre-suit damage claims (with the exception of utility/right-of way property damage claims under \$ 10,000 which are handled by Shannon-see *below*);

- Also represents and defends County as a governmental unit when authorized to do so by Commissioners Court

4. UTILITY/RIGHT-OF-WAY PROPERTY DAMAGE CLAIMS :

Hank Prejean, Civil Chief: will be the primary contact in our office for:

- Utility/right-of way property damage claims of \$ 10,000 or more

Shannon Francis, Asst. County Attorney: will be the primary contact in our office for:

- Utility/right-of way property damage claims under \$ 10,000

5. ANIMAL SHELTER CLAIMS:

Shannon Francis, Asst. County Attorney: will be the primary contact in our office for claims against the Animal Shelter.

6. SUBPOENAS FOR DOCUMENTS:

Hank Prejean, Civil Chief: will be the primary contact in our office for:

- Subpoenas for records directed to officials and employees of the Sheriff's Office, the Tax Assessor-Collector's Office and when requested by EMS: upon request, reviews, advises and responds to subpoenas for records served on officials and employees of those offices (Shannon handles subpoenas for all other Elected Officials' Offices)

Shannon Francis, Asst. County Attorney: will be the primary contact in our office for:

- Subpoenas for records directed to officials and employees for all other Elected Officials' Offices: upon request, reviews, advises and responds to subpoenas for records served on officials and employees of all Departments *except* the Sheriff's Office, EMS and the Tax Assessor-Collector

7. MISDEMEANOR BOND FORFEITURES:

Shannon Francis, Asst. County Attorney: will be the primary contact in our office for all misdemeanor bond forfeiture matters.

8. MENTAL HEALTH CASES/MATTERS:

Shannon Francis, Asst. County Attorney: will be the primary contact in our office for all mental health matters.

9. PUBLIC INFORMATION ACT – CIVIL ENFORCEMENT

Shannon Francis, Asst. County Attorney: will be the primary contact in our office for all civil enforcement of the Public Information Act and for complaints related to alleged violations

10. OPEN MEETINGS ACT – CIVIL ENFORCEMENT

Hank Prejean, Civil Chief: will be the primary contact in our office for all civil enforcement of the Open Meetings Act and for complaints related to alleged violations