

# FORT BEND COUNTY HISTORICAL COMMISSION

## *ORAL HISTORY COMMITTEE*

Interviewee: **Bob Hebert**

Interview Date: 06/04/2013

Interviewer: Jane Goodsill

Transcriber: Marsha Smith

Location: Fort Bend County Judge's Office, Richmond, Texas 19 Pages



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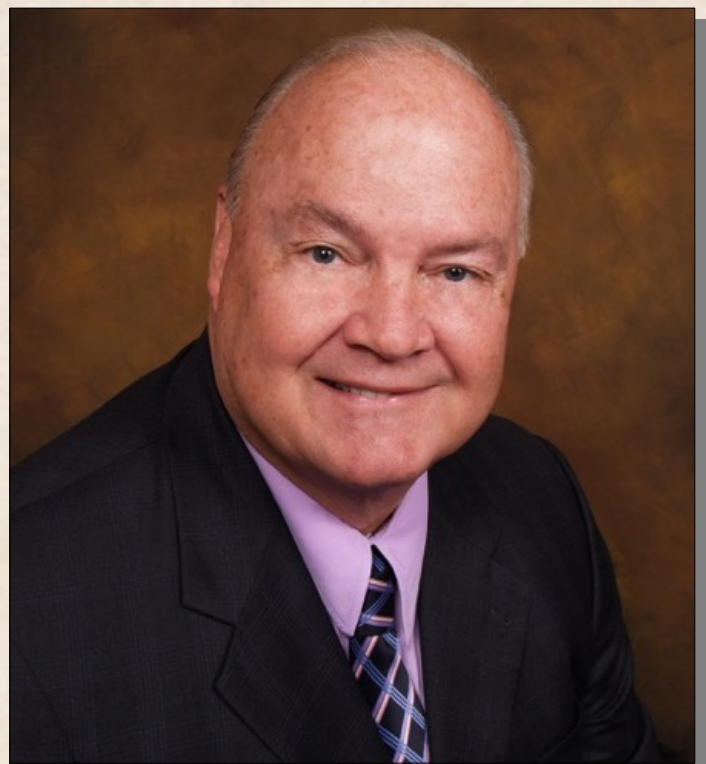
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*Transcript*

GOODSILL: The topic of our interview today, is how county government works. Would you give us an overview of the job of County Judge?

HEBERT: Certainly. Each county is an arm of State government. They are a subdivision of the State. They're considered a hybrid between local government and State government. Counties, unlike home-rule cities such as Houston or Sugar Land or Missouri City, can only carry out those actions authorized by State law. So if there's a need in our community that we think we can fill, we have to go to the State and ask for permission to fill the need. Our duties and responsibilities are enumerated in the law. If it's not in the law, we can't do it, even though it might make sense, without getting legislative approval. That said, there's a lot of flexibility in county government to do innovative things, as long as we have the charge to carry out that activity. Counties are run by committees. The constitution designates me as the chief executive officer of Fort Bend County, but there IS no true chief executive in the county. Governor Perry is the chief executive officer of the State of Texas, but there is no true chief executive officer in the State of Texas.

When they drafted the Constitution of 1876, Texas was coming out of Reconstruction. The governor immediately prior to the Constitutional Convention had stolen the state blind. He held two or three jobs. Every member of his family held one or two jobs. They basically drained the treasury of the State of Texas for their personal enrichment. Those Texans that got together to draft the Constitution of 1876 were convinced of one thing. They did not want a strong executive. They did not want an executive that controlled the purse strings. If they didn't want it at the state level, they certainly didn't want it at the county level.

So they created a system whereby the governor of the State of Texas executes his executive authority through boards and commissions that he appoints, with the approval of the Senate. The only time that Governor Perry has true executive authority is during a declared emergency, when all those constrictions of managing through commissioners and boards are waived for the duration of the emergency. Likewise for this county judge. The only time I have true executive authority is during a declared emergency within Fort Bend County. I have REALLY significant authority during an emergency. But it's for a limited duration. I carry that authority only so long as the emergency exists. It tempers your actions when you realize that you're going to have to face all the folks you're bossing around when the emergency is gone and you're back to a committee form of government.

Since there isn't a strong executive, Texas has the weakest executive branch of any state in the Union because of those restrictions in the Constitution. Although I'm styled a Chief Executive, basically that executive authority is typically my signature to various documents attesting to the fact that it's been approved by the committee that runs the county. That committee is the Commissioners Court.

Commissioners Court is made up of five members. As County Judge, I preside over the Court. Each County in Texas, all 254 of them, is divided into four precincts. Each precinct has a commissioner. As my predecessor, the late Jim Adolphus, told me just before I took office, "Bob, you can take care of ANY problem that confronts Fort Bend County as long as you know how to count to three. Because without three votes on Commissioners Court, there IS no action." That's a very true statement. I function, under



*Fort Bend County Commissioners Court, from left to right, Vincent Morales (Precinct 1), Grady Prestage (Precinct 2), Bob Hebert (County Judge), Andy Meyers (Precinct 3), and James Patterson (Precinct 4).*

the law, more as a chairman of the board, than as a chief executive. I initiate the agenda for the meetings and I preside over the meetings. I rule on parliamentary procedures, but I vote along with the court. I'm not exempt from the requirement to vote. I personally want my vote to be a matter of record on every action that the court takes. Normally our votes are unanimous: things like paying the light bill, buying gas for the fleet, hiring a new employee. These are not controversial issues.

Occasionally we get into heated debates on issues. You never know what those issues might be, and we have had a few. In my twelve years in office we've probably had fewer than three-dozen items that have been decided on a 3-2 vote, of the thousands of items that we've addressed. County judges in Texas have judicial powers. I have the power of a constitutional county judge, which means I have a court. I can hear misdemeanor cases, probate cases, and civil suits up to \$100,000.

I, as most judges in the urbanized counties in Texas, don't open my court. My court is closed. I maintain the sixteen hours required of a county judge in judicial Continuing Education Units (CEUs) in Texas. In the event of a wide-area emergency, like a really severe hurricane, we might not be able to find judges. They have to look after their families. They have no responsibilities during the emergency. In that event I might be required to magistrate from our emergency operations center, for looters or anything else that might come up of a criminal nature. So for that reason I keep myself trained to the point that I COULD open my court for magistrate purposes, just to give prisoners the required hearings if they were arrested during an emergency. But other than that, the county is served by quite a large judicial group. We have five district judges in Fort Bend County, and they have three associate judges that work for the elected judges, to help carry the burden at the District Court level.

Then we have four County Court at Law courts. Those courts have the same authority that I have under the Constitution, but they're created statutorily and they are required to be licensed attorneys. Constitutional County Judges are NOT required to be licensed attorneys. We go back to 1876 when the constitution was drafted. There weren't that many attorneys IN Texas. They wanted somebody in all 254 counties who could hear the minor cases that arose, such as drunk and disorderly, public intoxication, minor assaults, things like that. They didn't want those folks to languish in the jail, waiting for the circuit judge to come around and they certainly didn't want to pay to transport them to the circuit judge's home city. So they empowered the County Judges. Prior to that County Judges had been termed the Chief Justice of the County and the court WAS the court. But in 1876 the term Constitutional County Judge was used.

That said, the Commissioners Court only has authority over those departments that report directly to the Court, which are mostly administrators. Human resources and facilities – these are non-elected officials. These are employees of the county, charged with carrying out certain tasks. Health and Human Services – some of these are very large departments. We have fourteen executive managers in Fort Bend County that oversee such areas as facilities, health and human services, and parks. The rest of the tasks conform to the requirements of state government and are handled by other elected officials. We have thirty-two in the county.

We have our Justices of the Peace, with two in Precinct 1 because of its large area, and one in each of the other three precincts. We have a County treasurer. I should throw him in there or he'll get mad, and a Tax Assessor-Collector. Each of these county offices has their duties enumerated in state law and in the Constitution. It says what they will do. Again, they perform those duties that they are empowered to do by state law. Within their office, they are in charge. Commissioners Court cannot tell them what kind of cars to buy or who to hire, and we can't tell them how to assign people to the work task. The Constitution says that an elected official in the county is SOLELY responsible to the electorate for his/her performance in office. They don't answer to Commissioners Court. Again it breaks down executive authority into numerous components. So the Treasurer can't get involved with the Constable. The Constable doesn't get involved with the Sheriff. They are all separate entities in their own right, answering only to the voters.

GOODSILL: But Budget and Finance is under Commissioners Court?

HEBERT: Well, we cannot give them specific instructions on how to run their office, but each year, they must have their budget approved by Commissioners Court. So we have the power of the purse. There are many Attorney General rulings and court rulings that reinforce this over the years, where courts have tried to use the power of the purse to leverage elected officials into performing some specific action. That can't happen. All we can do is look at the budget and analyze it. It comes down to if it's a justified expense; if it makes sense from a generalist standpoint. The finer points of that decision remain with the elected official. So we use a series of budget hearings each year that last about 2-1/2 months. We meet two or three times with each of our elected officials and department heads. We establish a target budget for the county, looking at our existing tax rate, looking at our anticipated tax roll, and we say we have this much money to spend. We will prioritize that money and each department comes up with a target to hit. If they meet that target, they don't have to come see us. Some do. Many don't. If they don't meet that target, they come in and tell us why.

Most times a certain portion of the excess over the target is approved. It's a give-and-take. It's a continuing negotiation over a 10-11 week period for the purpose of matching expenditures of the county with our ability to pay at a reasonably flat tax rate. It doesn't mean we wouldn't increase the tax rate in an emergency. As a growing county we don't tend to reduce the tax rate either. We try and hold it at a target, which is at or below 50 cents per 100. It's been as high in this county in the last 25 years as the mid 60 cents. Now it's down to 49.9 cents. So it's a reasonable rate.

We've been trying to hold it through the recent recession, but there's give-and-take. For instance, last year we gave the county employees a 2.5% step increase on our employee matrix. It was one step, 2.5%. That's the first raise they've had in four years. We went through a terrible recession. We asked our department heads to work with us; we asked our employees to work with us. We publicly asked the employees to work with us for at least a couple of years (and it turned out to be more) although we wouldn't be able to give raises. On the other hand, we will do no reductions in force so everybody's job is safe. But we've got to get through this recession. We actually saw a reduction in assessed value in this county, in 2010.

GOODSILL: How does that happen?

HEBERT: The values were just adjusted downward because of the recession. The real estate market in areas of the county where foreclosures were happening were such that the bottom fell out of those markets. At the same time we had a booming new home construction program but it didn't add enough value to offset the reductions in value in the commercial and older home areas and the troubled areas. The net was about a 2% reduction in the assessed value while our population grew by about 25,000 people. Not the worst of all worlds. That was as bad as it got and we were able to balance the budget at the existing tax rate that year. Last year our values were up just slightly. This year we were up a little bit more and we think for the coming year, we'll be up a little bit more than that. In other words, we are recovering very quickly but we live within our means.

We're required by the Constitution to balance the budget. Counties are not allowed to do deficit financing. The budget MUST be balanced. That doesn't mean we can't borrow money. But the debt service for that debt must always be in the budget and balanced to the tax rate. We can't print money. The State of Texas is under the same constitutional restriction. The Texas legislature MUST balance the budget each year. Their budget is so complex that they can pull a rabbit out of the hole and get the budget to balance on paper. We're not nearly that complex. Ours is a hard balance. There aren't any games.

We're required, because of our commitment to our bondholders on the public debt, to maintain an operating reserve of 15% of our general operating budget, which amounts to about \$32,000,000 that we have to hold in reserve. We work that reserve as a cushion, because we borrow from our own reserve periodically on a short-term basis, so we don't have to incur one-time expenditures during the fiscal year that would tend to drive the tax rate up.

We will advance money to various agencies in the county that we control, like our toll road authority. If they're starting a new project, we'll let them buy another year without selling debt by advancing the money for engineering to get the project underway. Then that's a year they don't HAVE to incur debt and pay service. Then when they absolutely have to start construction, they sell the debt and pay us back with interest. So it's a management routine that works well for the taxpayers, in my opinion.

There are 254 counties in Texas. We all operate under the same set of laws. There are just a handful of laws that are exclusive to counties like Fort Bend County. These are laws that are passed by the legislature that are styled with language that makes them apply to only one or two counties. Such a bill would authorize a county with a population greater than 500,000 people immediately adjacent to a county with more than 3,000,000 residents to do 'whatever'. That would ONLY be Fort Bend County.

Harris County is the only county in Texas with a population greater than 3,000,000 people. We're the only county in the area with a population greater than 500,000. So occasionally there will be a specific need and we'll get a law enacted that gives us specific authority. By narrowing it down to us, we take all the politics of the state out of the legislation because it only applies to us. So the other counties really don't involved. It doesn't impact them at all. That said there are about 30 counties that have a sizable urban population in Texas. Which means there are 224-225 counties out there that still work very much as they did in 1876. There's a dominant little town that takes care of all the municipal services and its farms and ranches on the outskirts. The last thing they want is a bunch of government. So everybody's happy.

GOODSILL: A lot of the interviews we've done of the old timers talk about agriculture and the way that our county was rural not urban.

HEBERT: Well, this is one of the problems we have. The Constitution of 1876 actually set counties up to provide a minimal level of services. There was a sheriff. He might have a deputy, but usually there was just the sheriff. If somebody robbed a bank, or robbed a stagecoach, he rounded up a posse of farmers and ranchers, and they went after them. Or if it was really bad, they'd call in the Texas Rangers to come over and try to put a lid on it. Uvalde had a Marshall back in the old days, and he took care of all the law. Their deputies took care of all the law within the town. The sheriff oversaw the county, handling everything outside of Uvalde. He was enforcing state law within the county.

Basically, if you had a deputy, they would work on a day-to-day basis, helping residents that got in trouble, checking out newcomers making sure they weren't going to cause any trouble, and maybe riding out to find a bull that got out of a fence and get it back inside the fence to the rightful owner.

We're purely funded by property tax. We don't have any other sources of revenue; except some nominal amounts that we receive to offset the cost of, for instance, issuing license plates. We get a nominal amount of the license plate renewal fee to offset some of the cost of actually doing the service for the state. But primarily, 85 cents out of every \$1.00 we spend is property tax. About 7 or 8 cents is State or Federal money that we get back based on a formula for service required by the state. Then a small percentage is fees that our clerks and our tax assessor collect for providing services required by the state, such as the issuance of birth certificates and marriage certificates, license plates, etc. We are dependent on the property tax. We do not collect the sales tax. There's no income tax in Texas, thank God. So our revenue stream is very limited as is our ability to be innovative.

The legislature has agreed to allow us to add a few additional revenue streams in special areas in the last four years. But they are very nominal and they are focused strictly within those districts. County assistance districts have been created that can actually collect a sales tax in commercial areas and apply that money back to the streets within the commercial area. It doesn't raise the sales tax. It allows the County Assistance District to access the penny that Metro would get in Harris County. It's still there. We get that penny if we vote an assistance district, but that money can only be spent within the boundaries of the district. The area generating the tax is where the money is spent. It helps us in areas like the Grand Parkway where we're putting in very high-capacity roads.

But in looking back at how counties used to function back in an agricultural environment, county government was extremely small. You had a Constable who worked for the courts. You had a Sheriff who carried out state law. You had a County Clerk who handled the public records of the county. You had a court that handled the budget. You might have an Auditor, you might not. You might have a District Attorney, you might not. The County Attorney in a lot of counties is both the District Attorney AND the Civil Attorney. Only counties of a certain size, like Fort Bend County, will create (under the law) two separate attorneys, because the criminal side is a task in itself. A county the size of Fort Bend County needs a significant civil law group under the County Attorney.



NOTE: See John Placette's interview on the FBC Historical Commission website at <https://www.fortbendcountytexas.gov/home/showdocument?id=45462>

County government in the old agricultural communities was very small and very responsive to the local property owners, providing them the minimum services that they needed. In Fort Bend County, we're 670,000 people. Look at our growth. I think we were 650,000 last July and I think we've added something north of 20,000 residents to date. The census will give us another number this fall, based on our June 30th numbers. We think it's going to be in the 670,000 range. We're growing VERY rapidly. We add 25,000-35,000 people a year. This is going to be a high growth year with a lot of new homes being built.

That said, Sugar Land, Missouri City, Stafford, Needville, Richmond, Rosenberg, Beasley, Pleak, Kendleton, Arcola, Thompsons – don't contain half the residents of Fort Bend County. Over 370,000 of our citizens live in communities outside the incorporated areas of our cities. Cinco Ranch, Sienna Plantation, Greatwood, New Territory – these are communities that aren't served by cities. Yet people move in and look around and it LOOKS like they're in



*County Judge Bob Hebert meets with concerned citizens in Cinco Ranch regarding flooding following Hurricane Harvey on September 2, 2017.*

a city. They're anticipating city services. Well, our county budget is \$252,000,000. Sugar Land's budget is \$175,000,000, with 90,000 residents. A much higher level of service is expected and required within that city. That's why a lot of folks move into the county, so they don't pay city tax. But they don't get city services either.

I use the City of Sugar Land as an example, and this number may be off a little bit, but I do believe they have something above 140 peace officers on staff at the City of Sugar Land. We have 240 patrol officers in the entire County, covering 880 square miles, 24 hours a day. So there are not very many deputy sheriffs out there during the day. This urban financial burden is a serious problem for counties.

The state, over the years, has addressed it by creating special districts. There was a lot of discussion in this session of the legislature about special districts. There are utility districts, improvement districts, road districts, flood control districts, drainage districts, and Emergency Service Districts (ESD). You can live in an area in a county and theoretically pay taxes to six or seven different entities.

In Fort Bend County you might pay 50 cents to the county but then you turn around and pay \$1.50 to the school district, and then you pay another \$1.00 to a utility district; you might pay 10 cents to an ESD, you might pay 30 cents to a Levy Improvement District. When you add all that up, you're paying \$5 - \$6 per \$100 in taxes. Maybe you're getting your money's worth. That's in the eye of the beholder. But certainly it's a very spotty thing. If you don't live in one of those districts, you're not getting those services at all but you're not paying their tax, either.

We constantly have folks contact my office and say, "I need this". I have to say, "Well, I don't know the way to get you that unless you and your neighbors will band together to pay for it." They might say, "Well, they're getting it just across the street." My response is "Well, they're in some special district that is set up to provide that function. You can talk to them about annexing you and pay their tax." That just happened where I live, in my home in Foster Creek Estates. We just allowed ourselves to be annexed into ESD Number 6 so we could get fire protection down there in our subdivision. We voluntarily accepted their tax. I think it's a very good move on our part. The state has tried to address the problem of urbanized counties by this patchwork of special districts. The issue confronting counties is, and it's not going to be answered in the next two years, "What is the most efficient way to address these problems?" You would think over time that the cost of the services provided by these districts would go down. It tends to cycle but then it goes back up again, and plateaus at a higher level and then cycles. It's a constantly rising curve with dips in it. As facilities age, debt is paid off. Then new debt is issued to replace or rebuild what they have, plus add some more. So there's really no lowering of taxes. This always happens when you have a property-tax based government because property tax is regressive. Property tax is limited in its application. It doesn't vary like sales tax does but it doesn't have the high upper-end of sales tax revenue. If you have a healthy economy and you collect sales tax, you generally have a sufficient flow of funds to handle a lot of problems. Sugar Land and Missouri City get most of their money from sales tax. The county does not get sales tax. We're purely property tax. That's the way it's been since we've been a Republic. There is no sales tax for counties.

GOODSILL: Is the tax rate for rural property different from the tax rate for urban property?

HEBERT: It's the same rate for all the property in the county, at the county level. The special district or municipal taxes are only applied within the boundaries of those districts or municipalities. We tax every piece of property in the county, unless specifically exempted by law.

GOODSILL: Whether it's used for commercial or for agriculture?

HEBERT: Right. There's property tax on the value. Now there are exemptions that apply. There is an agricultural exemption for which people can apply. We tax everything at the same level. We don't pick and choose. But state law allows agriculture to apply for exemptions. We grant exemptions ourselves. We grant a 20% homestead exemption – it's \$5,000 or 20%, whichever is higher, which is the highest allowed under the law.

We grant a \$100,000 exemption in addition to the homestead exemption for citizens 65 and over. And for disabled veterans, if they're not 65, they can also get the \$100,000 as a disabled veteran, but they can't get both. So it's capped. For instance, on a \$300,000 home, you get a \$60,000 exemption on the homestead right off the bat, which gets you down to \$240,000. And then if you were disabled or over 65, you'd get another \$100,000 which means you'd pay tax on only \$140,000 in value.

There are similar exemptions under the law for agricultural. We do not assess value. The Central Appraisal District (CAD), which is a separate governmental entity, sets the value on property. It's not part of the county. It's titled The Fort Bend County Central Appraisal District, but its board of directors is elected by ALL the taxing jurisdictions in the county. We control one vote on that five-member board. School districts control 2½ votes by the number. Voting is not based on the overall value that you tax, it's based on your total levy. School districts levy FAR more in taxes than counties do. So school districts and some cities have more votes as an entity in the election of the CAD. But there's a five-member board, elected by all the jurisdictions. They run the CAD. They are fully independent. We have to abide by their rulings. The law says, if someone applies for an agricultural exemption, and they can prove they're entitled to it, then you have to set the economic value of that property as agricultural property. Whatever you can make off the farm or the ranch would determine what your value is, which in this county is always significantly lower than its value if you were to sell it for development.

GOODSILL: As the county is growing and new homes are being built, is the county then making more money on the areas that are being developed?

HEBERT: Oh, absolutely! That's what keeps our tax rate stable. New people come in and they want services. We're constantly adding new deputies in the Sheriff's Office, new deputy constables. We have to add new clerks. So our employee base is growing as we try and serve the community. But the new construction and the increase in value of homes and businesses and the influx of people tend to give us a value that allows us to balance the budget at or below the tax rate.

GOODSILL: So the county makes more money on land that carries homes than it does on agricultural land?

HEBERT: Oh, absolutely! The assessed value is higher. We have agricultural property that's probably on the rolls at \$1,000 per acre. If that farmer passes, and his children decide to sell to a developer, that developer will pay them \$7,000 to \$9,000 per acre or more, which is many times what they are being taxed for, just for the dirt! By the time they do the improvements and bring it up to value, the land itself will be worth \$30,000 to \$40,000 per acre at a minimum. Once a developer takes the land and actually starts to develop it, it no longer qualifies for the agriculture exemption. So it not only goes back up to full value, it goes up to a value based on what he paid for the land. So the value jumps up VERY quickly when land converts. We're seeing a rapid constriction of agricultural land in Fort Bend County.

GOODSILL: Constriction?

HEBERT: It's a reduction in the volume of acreage available for agriculture. It's constant. It goes on every year. Agricultural land is coming off the books for two reasons. Residential and commercial growth within Fort Bend County consumes some of it. But also the trend is for the younger generation to be disincentivized from agriculture because of the very low margins. Most of my friends who are in agriculture are raising their kids to be a professional of some kind and then a gentleman farmer if they choose, where they can follow the avocation with no desire to make money. That's a much smaller operation. It's productive but it's not economically viable. You can't support yourself and a family on that kind of revenue.

One of my former commissioner's who worked here, taught school for thirty-plus years and retired as a schoolteacher, and farmed while he taught school. We have a lot of gentlemen who work in our Road and Bridge Department or Drainage District who handle heavy equipment during the day. In the evenings they work on their farm, because they can't support themselves in agriculture.

Now, water consumption is an issue. While the county has no direct responsibility for water, we are always concerned about the availability of water in the county. The agricultural water usage in this county declines significantly every year. Over the next few years, it will be reduced more than 50% of what it is today. Residential use is going to double. Agricultural will go down and residential will go up. That creates a problem. Our need for more water will increase over time as our population grows but it won't increase as much as our natural growth would project because of the decline in agricultural consumption. That will sort of take the peak off the increase. But I think we're using about 185,000 acre-feet a year here in Fort Bend County and that will go to something like 240,000 acre-feet a year in 2040.

If our growth trends of the last 10-15 years continue to 2025, this county will have a million residents. I like to say that in County government there are three tiers. There are mega-counties such as Dallas County, Harris County, and Bexar County. They are just SO large they are economies in and of themselves with millions of residents with unique assets that aren't available in the other counties. Dallas is a big corporate headquarters city. Houston has the ship channel and related industries. These are huge pockets of value that help drive them. But they have a unique set of needs with millions of residents, too. As my good friend, Judge Emmett in Harris County says, "If you incorporated the unincorporated area of Harris County, it would be the 6th largest city in the United States." Houston's the 3rd largest and the unincorporated area would be the 6th largest!

Our common problem is dealing with the high urban growth without the tools to really address it. Harris County's problem is as complex but its multiplied by a factor due to their very large population.. Harris is one of the mega-counties. Below that tier you have what I call the high-growth urban counties, the dynamic growth counties. That's Montgomery County, Fort Bend County, Brazoria County and Williamson County, which is up next to Travis County. Travis County itself is not quite in that Harris and Dallas tier but they are very definitely one of the big players in the high-growth counties. You also have Collin County and Denton County. These high-growth counties have hundreds of thousands of residents and significant annual growth.

When you get past that, you've got 225 counties that are still working like they did back in 1876. I have a place out in Uvalde County. When I go to Concan and get on the ranch, I'm back in a different world. The County Judge in Uvalde County can't conceive of the problems that I deal with. Yet I can't conceive of the problems he deals with either!

We have a boatload of problems, but they're different. His are very much about maintaining a stable tax rate and a balanced budget in a very flat economy. Plus the judicial responsibilities that fall on him, especially with the summer tourist activities in Uvalde County up on the Frio River. The County Judge has a tremendous workload. I don't have that judicial workload but I have all kinds of road issues, drainage issues, security issues, and emergency planning issues that confront me on a regular basis. So it's different. Life isn't easy for a County judge in Texas in ANY of the 254 counties. Well, maybe Brewster County. Brewster has around 300 residents and I've been told they sort of pass the county judge's office around.

But in the vast majority of the counties the problems are sizable. They just vary. Ed Emmett's problems in Harris County are different than mine, just because of their huge size. But he has resources to address them. The problem is making sure he matches the resources to the need. My problems are as complicated as Ed's but not necessarily in the same areas. I have nominal resources to meet those needs. It will vary from county to county. If you're in a county with a lot of mineral production, and mineral production is taxed, you may have a very good income for the number of residents you have to serve.

GOODSILL: Does Fort Bend County have any minerals?

HEBERT: Fort Bend County has some minerals and we collect some taxes, but relative to the size of the county, it doesn't make an impact. If you go out to the Eagle Ford Shale area, some of those counties down there are seeing good income on the property tax on mineral production. But it doesn't offset the damage that's being done to their roads.

They have shell and blacktop roads in those counties and the big equipment that comes in to find and produce minerals tears up those roads. They get good income but then they have huge problems trying to maintain their infrastructure in the face of the exploration. At some point in time, if the shale is as productive as they think it is, the exploration will tail off to a point where the damage to the roads is minimal and they'll still have the revenue for a period of time.

The worst case would be if the production tails off and companies kept pouring money in, trying to find more. Then they'd have a reduction in revenue and an increase in damage. I don't have those problems in Fort Bend County. One of the problems we're addressing right now is an urban county issue. We have a lot of subdivisions that have concrete curb and gutter streets. Those streets are forty years old. They are county roads.

Our budget anticipates asphalt on a stabilized shell base, with ditches for drainage but, in urban areas, we have drainage pipe in the ground and we have concrete curb and gutter. We can do ten miles of asphalt road rebuild for the cost of doing one mile of concrete curb and gutter.

GOODSILL: When what you install wears out, they expect you to replace it with concrete curb and gutter?

HEBERT: Absolutely! We have to try to figure out ways to find the revenue to handle that. My asphalt road out in Foster Creek is fine for me. The county came through three years ago when the blacktop was 10-12 years old and they resurfaced. They did the whole subdivision in six days. They go into a concrete street and first of all they have to figure out a way to divert traffic. Then they have to break the street out, which is jackhammer work. They took our whole street up, a block at a time with a maintainer, just scraping it up with the blade. Then they got a front loader and load dump trucks and haul it off.

Clearly those folks know what they're doing. They would clear that street and have it ready for resurfacing in a day, blocks at a time. The blocks are long out there. But with concrete, you have to break it up, take it out and then you have to lay wire. Then you have to pour concrete and tie it in. You have to build your curb and gutter structures and pour the concrete in there. Concrete costs SO much more than asphalt and shell on a per foot basis. So these are VERY expensive roads and more and more of them are aging. The newer ones such as Cinco Ranch are 15-18 years old and they're good for another 15 years. But Mission Bend, which started in 1975, is pushing close to half a century on those roads and they're showing their age.

We can create County Assistance Districts if there's commercial property in there, and collect sales tax and go back in and fix those roads with that revenue, over time. And that may work. But it only works in those areas that have the commercial ability to raise sales tax. Not all of them do. So it may work in one area and it may not work well in another area. It's a constant trade-off, constantly looking for ways to solve problems.

When you look at our tax rate, this county is blessed in a couple of ways through the foresight of others, not me. Early on, many years ago the county created an overlapping drainage district serving ALL of Fort Bend County. That means we can plan the drainage needs of this county. We're very flat. We have to worry about drainage on a regular basis. Flooding is a real issue in Fort Bend County. We have to plan our drainage well in advance of need. We're blessed by having a single district serving the entire County.

Commissioners Court is the board of directors of the drainage district. It has its own tax. That tax is about two cents. Actually, the county's operating tax is almost forty-eight cents and the Drainage District is on top of that. But we look at it as a combined tax since we control both the Drainage District and the county budget. We roll them together and 49.9 cents is the overall tax rate. For example, Brazoria County has six different drainage districts, each an independent governmental entity. If they don't cooperate in planning, which they often don't, it's very, very hard to have an intelligent plan for draining that county over time.

GOODSILL: How did it happen that we got one single district for the whole county.

HEBERT: Apparently, when development started – and I wasn't here at the time – there was a need at the county level, this was back before First Colony, they started to see homes and small developers come out here to build these small communities for Houston. The county saw a need to approve plats including the drainage requirements and they wanted a process there for doing that. I could be wrong, but I think it dates back to sometime after World War II when they actually created the drainage district. It was basically one employee for a period of time but it's now grown into a very large operation. Managing our drainage is a significant task for the county. We're blessed by having a single drainage district. It gives us a heads-up on every other county that doesn't have a single drainage district, which are most of the urban counties. It's purely optional as to whether you create a drainage district or not. In a lot of the smaller counties, they just let the cities worry with drainage. Depending on their elevation and contours that may or may not be a good thing.

GOODSILL: So the county manages drainage over all the cities?

HEBERT: We manage drainage county-wide, but our larger cities maintain their storm drainage systems.

GOODSILL: And the second reason we're blessed?



HEBERT: They did two things in meeting our urban growth needs. After World War II, a group of ladies got together and created the Fort Bend County Library system. We're one of the few counties that have a world-class library system. It started out as a very small loaner operation in the late '40s – early '50s. They added the bookmobile operation later in the '50s. Now we have 9 operating libraries in the system around the county, and it's very well utilized and very, very popular. It's one of the better assets we've got!

EDITOR'S NOTE: For information on the Fort Bend County Library system, please read the Kathleen Lindsey interview on this web site at <https://www.fortbendcountytexas.gov/home/showdocument?id=26333>

The other thing is, the county stepped up and created an Emergency Medical Service (EMS) about 29-30 years ago. We pay about \$7,000,000 a year in property tax money to cover the deficits in the EMS operation. EMS doesn't pay for itself. If you run it in a way to maximize the service to the citizen, you can't make money at it. We run mobilized intensive care units, which are basically emergency rooms on wheels.

When our ambulance gets there, we can do everything that's done in an emergency room to stabilize a patient, including the administration of drugs, as necessary. These are very skilled employees who operate the ambulances. I saw our system work last night. I don't know what the emergency was, but it was behind me, at the back of my subdivision. I saw the ESD fire truck come in there and go to the back of the subdivision and disappear. Right after that came a fire supervisor. I'm sure that fire supervisor was advanced first aid qualified or Emergency Medical Technician (EMT) trained. So within a very few minutes, we had manpower and somebody who was medically proficient to administer aid. Not two minutes after the fire supervisor came in, our Fulshear squad, which is an SUV, which has a paramedic and an EMT on board, came in. We raised the level within five or six minutes from a fire truck to a paramedic and an EMT. About five minutes after that, our mobile Intensive Care Unit (ICU) unit came in from the Richmond-Rosenberg area. They all disappeared back there in the back. I didn't know what was going on and didn't want to go back there and gawk, so I just sat on my patio and watched all this happen.

About five minutes after that, the PHI, Inc. helicopter from OakBend Hospital came over and landed back there. I'm sure they transported someone because about five or six minutes later, they took off again. Then in order, the supervisor, then the fire truck, the squad truck and lastly the ambulance, all left.

GoDSILL: I can certainly see how this couldn't pay for itself. This is very expensive.

HEBERT: It IS very expensive. It costs us about \$1,200 to make a run and so many people are uninsured. If they have Medicare or Medicaid, we get about \$350 back. BUT, the citizens like it. It's wonderful to know that no matter where you live in this county, within fifteen minutes of your location there is a response. It may be a



*Oakbend Medical Center PHI Air Med 9 on scene with Fort Bend County Fire Department and EMS at an automobile vs. bicycle accident. Not pictured are FBC Sheriff's deputies blocking traffic behind the fire department and EMS.*

*--Courtesy PHI Air Med 9 Facebook page*

squad truck with paramedics on board and all the equipment. They can do everything but transport, but they can get to you very quickly. Right behind them is that mobile ICU if you need transport. Right behind them is either Oakbend's helicopter operation or Life Flight. They can get you wherever you need to go. Those two services back each other up very well. That's a tremendous asset, but it puts a burden on our tax rate. If we didn't have EMS, we could lower taxes by three cents on our tax rate. If we didn't have the libraries, it would be another three cents.

So if we were like most counties, we could have a 41-cent tax rate. But the people voted, long before I came into office, that they wanted the libraries AND they wanted EMS. Since I've been in office we've had two library bond issues and they passed with 75% of the vote in favor. So you have to say not only do the voters want it, they endorse the cost of it with their votes. So we're very pleased. We get a lot more bang for our buck than others, mainly because of the services that were put in place before I got into office. It makes it a little trying to keep that budget balanced, especially in a bad economy. Our local economy is very good right now. Hopefully this budget session will be easier than the last three or four.

And that's pretty much the overview.

GOODSILL: That was VERY well said! Thank you.

HEBERT: You're very welcome. Thank you.

Interview ends