



COUNTY OF EL PASO
OFFICE OF THE COUNTY AUDITOR

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04-12

April 11, 2023

Mr. Victor Perez
Director of Financial Operations
County Auditor Office
800 East Overland Ave. Suite 406
El Paso, Texas 79901

Dear Mr. Perez:

The County Auditor's Internal Audit division performed an audit of the Oaths of Office records compliance to determine if internal controls are adequate to ensure signed oaths of office are appropriately filed as mandated by the *Texas Local Government Code, 154.043(b)* and *Article XVI of the Texas Constitution*. Policies, procedures, and regulations were also reviewed to ensure processes are documented, operating and efficient.

The audit report is attached. We tested four operating controls with a total of 68 samples. There were no findings noted as a result of the audit procedures. We wish to thank the management and staff of County Payroll Division, County Human Resources Department, and County Clerk's Office for their assistance and courtesies extended during this audit.

Because of certain statutory duties required of the County Auditor, this office is not independent in regard to your division, as defined by AICPA professional standards. However, our audit was performed with objectivity and due professional care.

Respectfully,

Edward A. Dion
County Auditor

EAD:HM:ya

cc: The Honorable Anna Perez, Local Administrative District Judge
Mrs. Betsy Keller, County Administrator
Mrs. Minnie Holguin, Chief Human Resources Officer
Mrs. Delia Briones, County Clerk
Mr. Nick McCarthy, Audit Manager, Payroll & Benefits Reporting Audit



**County Clerk’s Office Oaths of Office Records
For Oaths of Office Administered as of January 2023**



FINDINGS AND ACTION PLANS

BACKGROUND

Local Government Code §154.043 (b) states that a payment cannot be made from a salary fund to an employee before an oath of office, if applicable, has been filed with the county clerk and county auditor. *Article XVI* of the *Texas Constitution* mandates that all elected and appointed officials should take the official oath of office before the performance of their duties. As indicated in *Texas Government Code §601.008*, failure to comply with an oath of office by an official that has the power to exercise jurisdiction can lead to voidance of the official’s jurisdictional actions. To ensure compliance with *Local Government Code 154.043*, the County Auditor’s Office uses TrackNet to verify filing of oaths of office with the County Clerk’s Office for applicable employees before making payment from a salary fund to such employees.

The audit was performed by Hadi Medina, internal auditor. The scope of the last audit performed was as of January 2021 and the report was issued on March 23, 2021.

AUDIT OBJECTIVES

The audit evaluated the adequacy of controls and processes to achieve key business objectives related to the County’s compliance with employee’s oath of office requirements. Following are the business objectives and related control assessments.

Business Objective	Control Assessment
1. Adherence to documented policies and procedures	Satisfactory
2. Compliance with oath requirements of the <i>Article XVI of the Texas Constitution</i> .	Satisfactory
3. Compliance with oath requirements of the <i>Local Government Code (LGC) §154.043 (b)</i>	Satisfactory
4. Compliance with oath requirements of the <i>Local Government Code §54.008</i>	Satisfactory

SCOPE

The scope of the audit reflects oaths administered as of January 2023.

METHODOLOGY

To achieve the audit objectives we:

- Reviewed policies, procedures, and applicable statutes.
- Conducted interviews with County Clerk’s Administrative Manager, Payroll & Benefits Reporting Audit division (Payroll) personnel, the Council of Judges Office Manager, and Human Resources (HR) personnel to determine current processes and controls related to oath of office filing records.
- Tested a sample of currently employed County elected/appointed official’s oaths of office to determine compliance with *LGC §154.043 (b)* and *Article XVI of the Texas Constitution*.
- Tested all newly elected County official’s oaths of office to determine compliance with *LGC §154.043 (b)* and *Article XVI of the Texas Constitution*.
- Tested a sample of currently employed County Bailiff official’s oaths of office to determine compliance with *LGC §54.008*.

RESULTS

Listed below are controls and findings summaries, with findings listed from highest to lower risk. There are no findings reported this audit. Please see the *Findings and Action Plans* section of this report for the status of the prior audit report findings, and related details and management action plans for the current findings.



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FINDINGS AND ACTION PLANS

Controls Summary	
Good Controls	Weak Controls
<ul style="list-style-type: none"> Maintain and follow department policies and procedures (Obj. 1) Newly elected/appointed oath of office controls (Obj. 2) Currently elected/appointed oath of office controls (Obj. 3) Currently employed bailiff oath of office controls (Obj. 3) 	
Findings Summary	
None	

INHERENT LIMITATIONS

This operational review was designed to provide reasonable assurance that the internal control structure is adequate to maintain the County employees’ oath of office records on file. The County’s internal control structure is designed to provide reasonable, but not absolute assurance that these objectives are met. The concept of reasonable assurance recognizes that: (1) the cost of implementing the controls should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires the use of estimates and judgment by management. Because of the inherent limitations in any system of internal controls, errors or irregularities may occur and not be detected.

CONCLUSION

Improvements have been implemented to the Oaths of Office procedures which have helped ensure compliance with the oath requirements of the *Texas Local Government Code §154.043 (b)* and *Article XVI of the Texas Constitution*. All the audit objectives have been met; therefore, no recommendations were provided in this report.



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FINDINGS AND ACTION PLANS

Prior Audit Findings Summarized with Current Status

Status

(M) Closed

1. **Finding:** Documented policies and procedures do not reflect current procedures. Policies and procedures help with the implementation of controls and provide a consistently effective and efficient reference to ensure all required oaths of office are completed and filed properly.

Recommendation: Payroll, HR, and County Clerk's office should cooperate in updating the existing documented policies and procedures for oaths of office in their respective areas. The list created in 2016 by County Attorney of elected and appointed officials that require an oath of office also needs to be updated and maintained as necessary. Responsibility for maintaining this list should be assigned.

Action Plan: HR will ensure the appropriate HR staff have accurate access to the TrackNet+ system. They will update the Oath of Office procedures to reflect current procedures and practices, and then share with the identified staff from Payroll and the County Clerk's Office to also review, update, and finalize the procedures. The procedures will be shared in July of even-numbered years for each of the offices to review and revise as necessary prior to putting into practice in December of that year and into January of the following year.

Payroll will ensure procedures are updated to reflect responsibility to review and verify that an oath of office has been filed in the County Clerk's Office before making a payment from the salary fund. **County Auditor's Office** will assess the incorporation of a function into Munis that will facilitate the oaths verification process. Procedures will be updated if this proves viable. **County Clerk's Office** will ensure procedures reflect responsibility for the timely uploading and filing of all oaths received.

Status: Resolved