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Authorized by Nueces County Commissioners Court

## **NUECES COUNTY COMMISSIONERS' COURT POLICY AND PROCEDURE GUIDELINES**

### **PURPOSE**

The purpose of this policy and procedure guidelines is to establish written guidelines, which clearly and objectively outline Nueces County Commissioners Court's agenda development, conduct, and decorum of a Commissioners Court meeting.

It is the intent of Commissioners Court to conduct county business at a noticed meeting in an effective and efficient manner and to allow the public the opportunity to observe County Government.

### **POLICY ON COMMISSIONERS COURT MEETINGS AND AGENDA DEVELOPMENT**

- I. IT IS THE POLICY OF THE COUNTY OF NUECES THAT;**
  - A. Meetings of the Nueces County Commissioners Court shall comply with all requirements of law, including without limitation the Texas Open Meetings Act, Robert's Rules of Order, and any applicable federal and state laws.
  - B. The County Judge is the presiding officer of the Nueces County Commissioners Court and is a fully participating member thereof. In the event of the absence of the County Judge, his or her appointee shall preside over Commissioners Court unless the judge is unable to designate an appointee; in the event the judge is unable to designate an appointee then the most senior member of the Commissioners Court in terms of total number of years as an elected representative present at the Regular, Special, Emergency meeting or Executive Session, shall serve as the Judge Pro-Tem of the Court. However, nothing herein shall prevent the senior member of this Commissioners Court from delegating this duty to another member of the Commissioners Court.

- C. Agenda items requested by members of the Commissioners Court shall be placed on the Agenda; those requested by other Elected officials or Department Heads may be placed on the Agenda if after review by the County Judge, they comply with this Commissioners Court Policy and the procedures promulgated under it.
1. In order to make informed decisions, members of the Commissioners Court shall receive complete and timely information, analysis and recommendations for action prior to Commissioners Court Meetings.
  2. Members of the public shall to the greatest extent possible be encouraged to provide input, consistent with the Commissioners Court Policy and applicable law.
  3. This Commissioners Court Policy may be amended or rescinded only by action of the Nueces County Commissioners Court.
  4. Members of the public who have signed up to comment may comment for a maximum of three (3) minutes. Those persons addressing the Court through a translator are given twice the amount of time, or six (6) minutes.
    - a. In matters of exceptional interest, the Court may, by the majority vote of the members of the Court in attendance at the meeting, lengthen the time allocated for a particular member of the public or members of the public.
    - b. It is the intention of the Court to provide an open access to the citizens of Nueces County to address the Commissioners Court and to express themselves on issues of county government. Members of the public are reminded that the Nueces County Commissioners Court is a Constitutional Court, with both judicial and legislative powers, created under Article V, Section I and Section 18 of the Texas Constitution. As a Constitutional Court, the Nueces County Commissioners Court also possesses the power to issue a Contempt of Court Citation under Section 81.024 of the Texas Local Government Code. Accordingly, all members of the public in attendance at any Regular, Special and/or Emergency meeting of the Court shall conduct themselves with proper respect and decorum in speaking to, and/or addressing the Court; in participating in public discussions before the Court; and in all actions in the presence of the Court. To the extent allowed by law, there is no prohibition against public criticism of the Commissioners Court, including criticism of any act, omission, policy, procedure, program, or service.
  5. Those attending a Commissioners Court meeting should be appropriately dressed as attending a court proceeding. Those members of the public who are inappropriately attired and/or who do not conduct themselves in an orderly and appropriate manner will be ordered to leave the meeting.

Refusal to abide by the Court's order and or continued disruption of the meeting may result in a Contempt of Court Citation.

6. Profane, insulting or threatening language directed toward the Court and/or any person in the Court's presence and/or racial, ethnic, or gender slurs or epithets will NOT be tolerated. Violation of these rules may result in the following sanctions:
  - i. cancellation of a speaker's remaining time;
  - ii. removal from the Commissioners Courtroom;
  - iii. a Contempt Citation; and/or
  - iv. such other civil and/or criminal sanctions as may be authorized under the Constitution, Statutes and Codes of the State of Texas.

### **AGENDA ITEM DEVELOPMENT PROCEDURE**

- I. All Agenda items must be requested prior to posting notice of Commissioners Court Meeting.
  - A. All requests must be filed with or submitted electronically on the AgendaLink system and approved by the County Judge and the Commissioners Court Administration office by 5:00 p.m. on the 8 days prior to a meeting. Any documents requiring legal review should be reviewed and approved by legal prior to being submitted. Any late requests may be approved for inclusion in accordance to the paragraph I (C) of the Policy of County of Nueces by discretion of the County Judge. If not included, the late request shall be included for the next Commissioners Court Meeting.
    1. Content of Written Request of Agenda Item

In order to provide sufficient information for members of the Commissioners Court to make informed decisions, any request to include an item for discussion and/or action by the Commissioners Court should contain adequate description of the requested action. Request for Agenda items, regardless of the requestor, should be presented to the County Judge and County Commissioners in an Agenda Item Summary (AIS) format which provides the following elements:

      - a. Recommendations for Actions (which may be used as the text of the Agenda item);
      - b. Background Section, which provides an overview of the issue and describe any relevant prior actions by the Commissioners Court of department;
      - c. Discussion Section, which provides necessary facts and analysis of them sufficient for the Commissioners Court to understand why the recommended action should be taken; and,

d. Fiscal Impact Section, which briefly states the effect of the recommended actions (s) on the County Budget (e.g. cost for facilities, personnel and/or equipment to implement the action within budget limitation, other sources of funding).

2. Backup material

Any backup material which would help the Commissioners Court understand the issue and recommendation should also be submitted with the Agenda Item Summary. Examples include a copy of a proposed contract, a chart which illustrates a point made, or a table which summarizes expenditures discussed in the Agenda Item Summary.

3. Specific Time

Finally, the requestor should indicate in the Discussion Section if he or she requests that the Agenda item be specially set for a specific time because of a planned lengthy presentation or to accommodate a large group of expected public speakers.

II. Schedule for submission of agenda item requests

*(In order to meet the schedule, Agenda Item Summaries requesting placement on the Agenda for a particular meeting should be submitted to the County Judge's and the County Commissioners offices by 5:00 p.m. on the 8 days prior to the meeting.)*

Additionally, all contracts/agreements need to be forwarded to the County Attorney's office for review as to legal sufficiency **prior** to requesting an agenda item. This will allow time for initial review by the County Judge and processing by the Commissioners Court Administration staff. It also will, in most instances, provide the requestor with sufficient time to obtain additional information or to redraft the Agenda Item Summary if requested by the County Judge or County Commissioners. This schedule clearly requires some prior planning and preparation on part of requestor. If an item is not submitted on time, it will be held for a later meeting date.

***Copies of all backup material should be ready and submitted at the time of filing or submitting the agenda item on AgendaLink***

III. The business of Nueces County is conducted by and between the members of the elected officials, department heads, consultants, experts and/or members of the county staff requested to be present and participate at a Commissioners Court Meeting. While the public is invited to attend all meetings of the Commissioners Court (except Executive Sessions) the public's participation therein, pursuant to the Open Meetings Act, is limited to that of an observer unless a member (or members) of the public is addressing the Commissioners Court as part of an agenda item or unless the member (or members) of the public is requesting to speak on the Public Comments section of the Commissioners Court Meeting. All those members of the public who wish to address the court should sign in on the "Public Speaker Sign-In Sheet" prior to the meeting being started.

## MEETING GUIDELINES

- I. All Regular, Special, Emergency and Executive Session Meetings of the Nueces County Commissioners Court will be called and conducted in accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Government Code.
- II. Regular, Special, and Emergency Meetings of the Nueces County Commissioners Court are open to the public and to representatives of the press and media. Executive Sessions of the Commissioners Court are not open to the public, the press or the media and only those individuals expressly requested or ordered to be present are allowed to attend Executive Sessions.
- II. A Commissioners Court Meeting shall be divided into several segments of which they may be: workshop, invocation, General information reports, public comment, consent agenda, and regular agenda.
  - A. **WORKSHOP**

Items for discussion may be placed in a workshop agenda at the request of an elected official and/or a department head. These agenda items require extended discussion among the commissioners. No action will be taken during a workshop. Workshops will be conducted pursuant to the Open Meetings Act and shall be duly noticed. Workshops will be televised.
  - B. **INVOCATION**

A different local minister will be invited by the County Judge to open each Commissioners Court meeting with a short nondenominational invocation. Any Commissioner may recommend a minister to the County Judge. If for any reason a minister is not available for a Commissioners Court meeting, the County Judge will ask someone present to give the invocation.
  - C. **PUBLIC COMMENT**

A member of the public wishing to address the Court on an Agenda Item, or an item that is within the Court's jurisdiction which is not on the Agenda, must sign upon a Public Speakers Sign-In Sheet prior to the beginning of the Commissioners Court meeting and indicate the Agenda item on which he or she wishes to speak. This speaker may be allowed to speak at the Public Comments segment of the Meeting or at the agenda item segment of the regular agenda.

    1. On occasion, members of the public may have County matters to bring to the attention of the Commissioners Court. Although the County Judge and County Commissioners all remain available to listen to these concerns during regular office hours, setting aside a period at the beginning of the Commissioners Court meeting provides additional public access to members

of the Court.

2. The Commissioners Court may set aside a specified maximum time period at the beginning of each meeting for members of the public to address the Commissioners Court on *matters within its jurisdiction which are not on the current Agenda*. In order to maintain control of the meeting, the County Judge will limit each speaker to three (3) minutes (six (6) minutes if a translator is required) in which to express his or her opinion, or make a request. This time limit also applies to public comments for items on the Agenda. However, upon reviewing the Sign-In- Sheet for public comments, the Commissioners Court by majority may allow an extension of time limit during the noticed meeting to accommodate all the speakers that have signed up to speak.
  - a. Time for each speaker shall be maintained by the, Commissioners Court Administration Manager or such other designated representative of the Commissioners Court. Such time may be extended by majority of the Commissioners Court. If the topic addressed by the speaker is NOT on the Agenda, no action may be taken at the meeting by the Commissioners Court. Instead, any request will be referred to the involved official or Department Head for appropriate action, if any.
  - b. In general, the maximum discussion of public comment on any agenda item, regardless of the number of members of the public wishing to address the Commissioners Court on such agenda item (or items) shall be limited to thirty (30) minutes, or longer if decided by a majority of the Court. In the event that more than six (6) members of the public wish to address a particular agenda item (or items), then the members of the public recognized to speak shall be divided equally between those members of the public wishing to speak for the agenda item (or items) and those members of the public wishing to speak against the agenda item (or items) when appropriate. Normally, public comment of an agenda item will follow any staff presentation and discussion by members of the Commissioners Court, unless the County Judge deems it appropriate for earlier comment.

D.. CONSENT AGENDA

Many agenda items of a routine or administrative nature, are approved with little or no discussion. For that reason, the County Judge will identify those requested agenda items which are either routine or unlikely to be the sources of controversy, including reoccurring purchasing bid types (ie: asphalt, paper, etc.), personnel changes/unfreeze lists and place them as subparts of a proposed Consent Agenda Item.

E. REGULAR AGENDA ITEMS

Any discussion or action taken on county business shall be placed on an agenda item on the Regular Agenda. The Commissioners Court as a body shall discuss and/or take action regarding an agenda item.

F. EXECUTIVE SESSION

This is not open to the public. The Commissioners Court will discuss matters permitted by Chapter 551 of the Texas Open Meetings Act.

IV. SPECIAL RULES FOR THE PRESS AND MEDIA

A. No media personnel or equipment, including lights, cameras or microphones will be located on the Commissioners Court bench nor closer than five (5') feet in front of the Commissioners Court bench.

1. Reporters and media technicians are required to structure their movements, equipment set-up and take-down and adjustments, etc., in such a manner as to not disrupt the Commissioners Court deliberations or the ability of the public to see, hear, and participate in the proceedings.

2. Interviews shall not be conducted inside the Commissioners Courtroom during the time the Court is in session. Media interviews which are conducted outside the Commissioners Courtroom should be conducted in such a manner that the interview does not disturb, impede or disrupt the proceedings or any regular, special, or emergency and/or executive session of the court.

B. The Sheriff of Nueces County, Texas, or his designated deputy, shall serve as the bailiff at all regular, special, and emergency meetings of the Court. However, in the event of the absence of the sheriff, or in the event that a conflict of interest exists between the sheriff, any member of the sheriff's department, and the Commissioners Court, the Court shall appoint such other commissioned peace officers to serve as bailiff as may be necessary.

C. From time to time, Commissioners Court may conduct out of courthouse gatherings and public hearings. Any gathering that is deemed to be a "meeting" for purposes of the Open Meetings Act shall be noticed in accordance to the requirements of the Act. If a public hearing is held such hearing shall be conducted in accordance with any applicable state and federal laws. No Commissioners Court meeting shall be held outside of the courthouse unless in compliance with the Open Meetings Act.

V. AWARDS & PRESENTATIONS

A County employee, volunteer, civic or charitable organization, or member of the public may be recognized by the County Judge or a County Commissioner. Prior arrangements for such presentations are to be made with the County Judge's office by a Commissioner or Department head to allow for scheduling. Such presentations allow the Commissioners Court to publicly recognize those who have made special contributions to our community and County Operations.

Examples of such presentation include:

- Presentation of a Proclamation
- Recognition of any employee of a County Department
- Recognition of a volunteer for outstanding volunteer work as an appointee from the County to a Board or Commission
- Recognition of schools or other reputable organizations that have performed in an outstanding manner.

VI. ADJOURNMENT IN MEMORY

The motion to adjourn a Commissioners Court meeting may be made in memory of one or more recently deceased community leaders, County employees or other distinguished persons. At the end of each meeting, the County Judge will ask if any County Commissioner wishes the meeting adjourned in memory of such a person, and provide a brief description of that person's contribution to the County and/or Community. Recommendations for an adjournment in Memory may be made through the County Judge or a County Commissioner. The member of the Commissioners Court making the motion may thereafter, if desired, send a letter to the family of the deceased informing them of the Commissioners Court action.

VII. These Policies and Procedures at Meetings of the Nueces County Commissioners Court shall be effective immediately upon adoption by the Court and shall remain in full force and effect until amended or repealed by a majority vote of the Commissioners Court.

**EXECUTION ON THE NEXT PAGE**



**ADOPTED BY THE UNANIMOUS VOTE OF THE NUECES COUNTY  
COMMISSIONERS COURT on this the \_\_\_\_\_ day of \_\_\_\_\_ 2019.**

\_\_\_\_\_  
**County Judge**

\_\_\_\_\_  
**Commissioner, Pct. 1**

\_\_\_\_\_  
**Commissioner, Pct. 3**

\_\_\_\_\_  
**Commissioner, Pct. 2**

\_\_\_\_\_  
**Commissioner, Pct. 4**

**Attest:**

\_\_\_\_\_  
**Nueces County Clerk**