

# CALDWELL COUNTY COMMISSIONERS COURT



Rules Of

Procedure, Conduct, and Decorum

For All Commissioners Court Meetings

Amended February 25, 2019

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## **ARTICLE I**

### **MEETINGS OF THE COMMISSIONERS COURT**

- 1.00 All Regular, Special, Emergency and Executive Session Meetings of the Caldwell County Commissioners Court will be called and conducted in accordance with the provisions of the Texas Open Meetings Act. Chapter 551, Texas Government Code.
- 1.01 The Open Meeting Act, codified as Chapter 551 of the Texas Government Code, provides that all Regular, Special and Emergency Meetings of the Caldwell 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. Executive Sessions only allows for those individuals expressly requested or ordered to be present.

#### **Regular Meetings**

- 1.02 The Caldwell County Commissioners Court meets in Regular Session at 9:00 a.m. on the second, and fourth Mondays of each month. The Commissioners Court may change the day of the week for meetings once each year. [See §81.005 (a) of the Local Government Code where in the Court by Order sets the day of the week the Court will meet at the last regular meeting of the Court each fiscal year]

#### **Special Meetings**

- 1.03 A Special meeting of the Commissioners Court may be held at any time called for by the Court or by the County Judge. Either the County Judge or three (3) Commissioners acting together may call a Special meeting of the Commissioners Court. (§81.005 (b), Local Government Code.)

#### **Regular Meeting Places**

- 1.04 At the first regular term of each calendar year, the Commissioners Court may select, on no less than seven (7) days' notice, a new site at which the Court's terms are to be held that year subject to §81.005 (d) of the Local Government Code.

#### **Special Meeting Places**

- 1.05 Special meeting locations may be held at venues different from where the

Regular meetings of the Court are held.

### **Notice of Meetings**

- 1.06 The notice of a meeting (Regular or Special) shall be posted in a place readily accessible to the general public at all times for at least seventy-two (72) hours before the scheduled time of the meeting, unless another statute requires a different notice period. Additionally, emergency items only require a two (2) hour notice.

## **ARTICLE II**

### **CONDUCT OF COMMISSIONERS COURT MEETINGS**

- 2.00 The business of Caldwell County is conducted by and between the members of the Caldwell County Commissioners Court and by those members of the county staff, elected officials, department heads consultants, experts, and/or members of the public requested to be present and participate.
- A. As each Agenda Item is addressed for consideration before the Commissioners Court, the County Judge or staff will read the Agenda Item and ask the member of Commissioners Court who sponsored the Agenda Item to introduce the subject matter.
- B. If any Commissioner or the County Judge has a conflict of interest and is going to abstain from voting on an Agenda Item, they shall announce such intention as soon as the Agenda Item is called and shall refrain from making any motions or seconds and from a discussion of the item.
- C. Any Commissioner or the County Judge may call for a roll call vote. The County Clerk will call each roll call vote alternating from left to right and then right to left.
- D. The County Judge or Judge Pro-Tem shall conduct all meetings according to the **Parliamentary Procedures** described in **ARTICLE X** below.
- 2.01 The County Judge is the presiding officer of the Caldwell County Commissioners Court when present and is a fully participating member thereof.
- 2.02 The members of the Commissioners Court are the County Judge and the four (4) County Commissioners.

- 2.03 Whenever, the County Judge is not present the Judge Pro-Tem shall be the presiding officer of the Court.
- 2.04. At the first meeting in January of each year of the Commissioners Court the Court shall choose by majority vote the Judge Pro-Tem of the Court for the balance of the calendar year.

### **ARTICLE III**

#### **AGENDA ITEMS**

##### **PREPARATION AND POSTING OF AGENDA**

- 3.00 Only a member of Commissioners Court (County Judge or County Commissioner) may submit an Agenda Item for consideration by Commissioners Court. Any citizen of Caldwell County who wants to bring an item of business before the Commissioners Court must get it submitted as an Agenda Item by a member of Commissioners Court.
- 3.01 For an item to be placed on the Agenda by a member of Commissioners Court, the item must be submitted to the County Judge's Office by 5:00 p.m. on the Tuesday immediately preceding the next Regular meeting of the Commissioners Court and the following information must be submitted in writing.
- A. Regular Commissioners Court Agenda Items must use form labelled "Caldwell County Agenda Item Request Form" See Exhibit A
  - B. Agenda Item Request Form must be sent to County Judge and Executive Assistant.
  - C. Payroll items requiring inter-departmental transfers must use Form labelled "Caldwell County Budget Amendment Item Request Form" (Exhibit D) and sent to County Judge and County Auditor.
  - D. All backup materials will be due to the County Judge's office on Tuesdays no later than 5:00 pm. If there are no backup materials it must be noted. Anything missing will cause the Agenda Item to be held over to the next Regular meeting.
- 3.02 Budget Amendment items must be taken before Commissioners Court for approval.
- A. Budget Amendment request must include Budget Amendment Item Request

form (Exhibit D), completed Personnel Action Form, and Budget Amendment Entry form from the Auditor's office.

B. All forms must be sent to the County Judge and the County Auditor on or before the Tuesday preceding the next Commissioners Court regularly meeting, no later than 5:00pm

C. All backup, either incomplete or missing items will cause the Agenda Item to be held over until the next Regularly scheduled meeting.

3.03 The Agenda shall be prepared by the County Judge and/or staff and shall be posted with the County Clerk, as soon as possible thereafter. The Agenda shall be posted on the County's website at <http://www.co.caldwell.tx.us>. The agenda is also posted at the location of the Regular meeting.3.0 The County Judge or a Commissioner shall have the right to add additional items after the 5:00 p.m. Tuesday deadline to the Agenda, in the event, there is an urgent matter that is discovered after the cutoff time that requires immediate action by the Court provided all Agenda requirements are met. Urgent Agenda Items shall be so labeled.

## **ARTICLE IV**

### **CITIZEN PARTICIPATION FORM**

#### **Caldwell County Participation Form (Exhibit B)**

4.00 It is the intention of the Court to have the Agendas posted early so that Caldwell County citizens may comment to Commissioners Court about individual Agenda Items.

4.01 The Agenda should be posted at the Courthouse, place of Court meetings, and on the county website <http://www.co.caldwell.tx.us> by before the next Regular meeting.

4.02 Caldwell County citizens will have the opportunity to study the Agenda Items and print out the Caldwell County Commissioners Court Participation Form on the website to bring to the meeting.

4.03 The completed Participation Form shall become the property of Commissioners Court and shall be given to the County Clerk before the Citizens Comments Agenda Item.

4.04 Blank Agenda Participation Forms (Exhibit B) are available online as a download and at the County Judge's office.

### **Citizen Comments at Regular Meetings**

- 4.05 It is the intention of the Court to provide a specific Agenda Item for Caldwell County citizens to address Commissioners Court and to express themselves on issues of county government.
- 4.06 All Regular meetings of Commissioners Court will have a specific Agenda Item for **Citizen Comments**. Any citizen of Caldwell County may speak for a maximum of four (4) minutes on any subject(s) during the “Citizens Comments” Agenda Item provided the citizen has filled out a Caldwell County Commissioners Court Participation Form (Exhibit B) and presented it to County Clerk before the Citizen Comments Agenda Item is addressed. The County Clerk will call each Citizen speaker when it is their turn to speak. Speakers may not donate their time to any other person.
- 4.07 Citizen Comments will not exceed thirty (30) minutes in duration.
- 4.08 The Commissioners Court will not respond to the comments made by a Citizen speaker except to clarify any statement of fact. Speakers are reminded not to attempt to engage County staff or members of the Court while speaking.

### **Public Hearings**

- 4.09 It is the intention of the Court to start any Public Hearings at 9:30 a.m. or thereafter. This allows the Court to get the meeting started and allows for Citizen Comments prior to beginning a Public Hearing.
- 4.10 During a Public Hearing the Court will take testimony from any member of the public who wishes to comment.
- 4.11 Each speaker will be allowed to speak for a total of four (4) minutes. Each speaker will submit a Caldwell County Commissioners Court Participation Form (Exhibit B) to County Clerk prior to starting their public comments.
- 4.12 Speakers may not donate their time to any other person.
- 4.13 While the Court asks that speakers not be repetitive, the Court will hear all public speakers prior to closing the public hearing.
- 4.14 When conducting a public hearing, town meetings, study sessions, or any such Court gathering, these Rules of Procedure, Conduct and Decorum shall apply; however, the Commissioners Court may adopt such additional and supplemental rules for such meeting as may be necessary and appropriate to conduct such meetings in an orderly, efficient and proper manner.

## **Citizen Observation at Regular & Special Meetings**

- 4.15 Other than the specific Agenda Item for Citizen Comments, it is the intention of Commissioners Court to provide a meeting room for the open observation of all meetings of Commissioners Court except Executive Sessions.
- 4.16 Public comments will not be allowed on any individual Agenda Items unless the Agenda Item is Citizen Comments or Public Hearing.
- 4.17 Texas Attorney General Crawford Martin opinion No. M220 in 1968 stated:

Open to the public does not mean that the public may choose the items to be discussed or that they may discuss subjects on the agenda. It merely means that the public may attend the meetings.

The Attorney General went on to state:

The purpose of the statute is to assure that the public has the opportunity to be informed concerning the transactions of County business.

The Attorney General concluded that:

.... it is our opinion that a Commissioners Court need not provide a public forum for every citizen wishing to express an opinion on a matter.

## **ARTICLE V**

### **PUBLIC CONDUCT & DECORUM**

- 5.00 It is not the intention of the Caldwell County Commissioners Court to provide a public forum for the demeaning of any individual, group, County employee, or member of the Court.
- 5.01 Neither is it the intention of the Court to allow a Citizen speaker to insult the honesty and/or integrity of any County employee, other member of the public in attendance, nor any member of the Court, individually or collectively. Accordingly, profane, insulting, demeaning, 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.

- 5.02 Members of the public are reminded that the Caldwell County Commissioners Court is a Constitutional Court, with both judicial and legislative powers, created under Article V, Section 1 and Section 18 of the Texas Constitution. As a Constitutional Court, the Caldwell County Commissioners Court also possesses the power to issue a Contempt of Court Citation under §81.023 of the Texas Local Government Code.
- 5.03 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.
- 5.04 Proper attire for men, women, and children is mandatory. 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.
- 5.05 Any attempt by any person in attendance at any meeting of the Court who attempts to disrupt the meeting or is disrupting the meeting may be removed from the meeting and/or cited with Contempt.
- 5.06 Extensive clapping, shouting, or other disruptive behavior will not be tolerated in the Court.
- 5.07 Violation of these rules may result in the following sanctions.
  1. Cancellation of a speaker's remaining time.
  2. Removal from the Commissioners Courtroom.
  3. A Contempt Citation; and/or
  4. Such other civil and/or criminal sanctions as may be authorized under the Constitution, Statutes, and Codes of the State of Texas.

## **ARTICLE VI**

### **BAILIFF**

- 6.00 The Sheriff of Caldwell 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 there exists a conflict of interest 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.

## **ARTICLE VII**

### **MEDIA MATTERS**

- 7.00 Media rules for the press, media personnel and Caldwell County citizens who want to use video or audio equipment to record Commissioner Court meetings will be subject to the following restrictions.
- A. No individuals 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.
  - B. All video or audio equipment, lights, cameras or microphones must be removed from the Commissioners Court room during any Executive Session and at the close of the Court's meeting.
  - C. Individuals 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 preceding.
  - D. Media interviews shall not be conducted inside the Commissioners Courtroom during the time the Court is in session.
  - E. 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 of any meeting of the Court.
  - F. A media table is provided for the Luling Newsboy and Lockhart Post Register.

## **ARTICLE VIII**

### **TESTIMONY BEFORE COMMISSIONERS COURT**

- 8.00 Pursuant to §81.030 of the Local Government Code the Commissioners Court may require that testimony before the Court be given under oath.
- 8.01 All testimony given to the Commissioners Court which concerns any real estate matter which is described directly or indirectly in the Caldwell County Development Ordinance (revised and adopted on August 13, 2018) shall be given under oath. This requirement applies to the Applicant and/or of the applicant's representatives, consultants, or speakers. (i.e. attorneys, surveyors, engineers, environmental consultants, etc.)
- 8.02 Any person who makes a false statement under oath is subject to prosecution under §37.02 of the Texas Penal Code.
- 8.03 The forms of oaths to be administered for sworn testimony are attached hereto as Exhibit C.
- 8.04 All oaths shall be administered by the Bailiff or County Clerk.
- 8.05 Commissioners Court reserves the right to request that any testimony be given under oath.

## **ARTICLE IX**

### **CELL PHONE & PAGERS IN COURTROOM**

- 9.01 **All cell phones and pagers must be placed on vibrate or turned off prior to entering the courtroom.**

## **ARTICLE X**

### **PARLIAMENTARY PROCEDURES**

#### **Agenda Order**

- 10.01 **Agenda Order** – The County Judge or presiding officer in his/her absence may take Agenda Items out of order to accommodate agenda speakers and requests from the Commissioners Court. No vote or further authority is needed however once an Agenda Item is addressed, it must be concluded.

#### **Recess**

- 10.02 **Recess** – The County Judge or presiding officer in his/her absence may recess the meeting for up to two (2) hours without a motion or vote. For Commissioners Court to recess for longer than two (2) hours a “move to recess until a specific time” is required along with a “second”. This motion may be debated before a vote is called. The maximum extension of any recess shall only be until a specific time the very, next day.
- 10.03 This recess order or motion would normally be acceptable only when an Agenda Item is not being addressed. However, if the Court needs to leave the Courtroom to physically view an Agenda Item for better understanding then it would be acceptable.

#### **Primary Motions**

- 10.04 **Motions** - Any member of Commissioners Court during the addressing or discussion of an action Agenda Item may “move that some type of action or inaction be taken by the Court” and another member of the Court would need to “second” the motion before it could be debated and voted upon. While a motion is on the floor and being debated, any member of Commissioners Court may make the following motions:
- A. **Motion to Amend** – “Move that the original motion be amended” (to add new wording) and another member of the Court would need to “second” the amendment before it could be debated and voted upon. Vote would be on the amendment first. If the amendment passed then a vote on the original motion with the amended wording would be in order. If the amendment failed then a vote on the original motion with original wording would be in order. No more than one amendment may be on the floor at any one time.
  - B. **Recommend New Wording or Friendly Amendment** - Recommend a change in the wording of the original motion and if the member of the Court who moved the original motion and the member of the Court who seconded the original motion agrees then the original motion is changed or corrected. Debate and voting would continue without any minutes, record or mention of the original wording.

- C. **Motion to Postpone** – Move to postpone any Agenda Item to a later point in time in the current meeting. This motion needs a “second”. This motion is not debatable; however, each member of the Court may quickly express their thoughts within a few seconds.
- D. **Motion to Table** – “Move to table to a date certain or if no date is given then the table will be indefinitely. This motion needs a second and is debatable before a vote is taken.
- E. **Call the Question** – Call “question” which means that member of Court is ready to vote. This statement does not require any action. It is only a readiness to vote signal.
- E. **Motion to End Debate** – “Move the question” is an action motion to stop debate and it does need a “second” from another member of the Court. This motion once seconded is not debatable. A vote must be immediate and if it passes then debate will cease and then the original motion or amendment must be voted upon. If the “move the question” motion fails then debate will continue.

### **Supplemental Motions**

- 10.05. **Motion to Refer** – “Move to refer the Agenda Item to staff or legal counsel” for further research, information, or review may be used often in Commissioners Court. This motion or amendment requires a “second” and may be debated before a vote is taken. This motion or amendment would be handled just like a regular action motion or amendment as described above. A successful motion to refer will be placed on a future Agenda once the research and/or review is completed.
- 10.06 **Motion to Reconsider** – This motion may be made at any time during a meeting to reconsider an Agenda Item already approved or disallowed earlier in the agenda.
- 10.07 **Motion to Adjourn** – “Move to adjourn” is a motion that may be made when an Agenda Item is not being addressed. This motion requires a “second” and may be debated before a vote is taken.





## Caldwell County Commissioners' Court Public Participation Form

County Commissioners Court Citizens' Comments: At this time any person may speak to Commissioners Court if they have filled out a Caldwell County Public Participation Form. Comments will be limited to four (4) minutes per person. No action will be taken on these items and no discussion will be had between the speaker(s) and members of the Court. The Court does retain the right to correct factual inaccuracies made by the speakers. (If longer than 30 minutes, then the balance of comments will continue as the last agenda item of the day).

**Instructions: Fill out all appropriate blanks. Please type or print legibly**

Name: \_\_\_\_\_

Home address: \_\_\_\_\_

\_\_\_\_\_

Home Telephone: \_\_\_\_\_

Place of Employment: \_\_\_\_\_

Do you represent any particular group or organization? \_\_\_\_\_

If you do represent a group or organization, please state the name, address and telephone number of such group or organization: \_\_\_\_\_

Which agenda item (or items) do you wish to address? \_\_\_\_\_

In general, are you for or against such agenda item (items) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Exhibit B

**EXHIBIT C**

**OATH FOR TESTIMONY**  
**GIVEN TO THE COMMISSIONERS COURT**

HAVE THE WITNESS RAISE THEIR RIGHT OR LEFT HAND – IF UNABLE TO RAISE THEIR RIGHT HAND – ASK THE WITNESS TO REPEAT AFTER ME:

**OATH – OPTION ONE**

I, (their name) \_\_\_\_\_, do solemnly, sincerely, and truly declare and affirm that the testimony I am about to give to this Court will be the truth, the whole truth, and nothing but truth.

**or**

**OATH – OPTION TWO**

I, (their name) \_\_\_\_\_, do swear that the testimony I am about to give to this Court will be the truth, the whole truth, and nothing but the truth, so help me God.



**Caldwell County Budget Amendment Agenda Item Request Form**

**To: All Elected Officials and Department Heads** – Hand deliver or scan & email to [barbara.gonzales@co.caldwell.tx.us](mailto:barbara.gonzales@co.caldwell.tx.us) and [hobby.haden@co.caldwell.tx.us](mailto:hobby.haden@co.caldwell.tx.us) . Deadline is 5:00 p.m. Tuesday before the Regular meetings, however, please submit this completed form ASAP. “Anything missing will cause the Agenda Item to be held over to the next Regular meeting,” according to our Rules & Procedures.

**4. What do you want to accomplish?**

Discussion & Action. What is the proposed motion?

Consent or  Discussion Only

Executive Session. What is to be discussed?

**5. Costs:**

**Actual Cost** or  **Estimated Cost** \$ \_\_\_\_\_

Is this cost included in the County Budget? \_\_\_\_\_

Is a Budget Amendment being proposed? \_\_\_\_\_

**6. Agenda Speakers:**

	Name	Representing	Title
--	------	--------------	-------

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**4. Backup Materials:**  No backup material \_\_\_\_\_ Total # of pages of backup material

**5.** \_\_\_\_\_  
**Signature of Court Member** **Date**

Exhibit D