

STATE OF TEXAS  
KENDALL COUNTY

**RULES OF PROCEDURE, CONDUCT AND DECORUM AT MEETINGS OF  
THE KENDALL COUNTY COMMISSIONERS COURT**

*adopted DECEMBER 10, 2012, amended MARCH 9, 2015*

**PARAGRAPH I. COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT AND RECORD**

**KEEPING REQUIREMENTS.**

All regular, special, emergency, and executive session meetings of the Kendall County Commissioners Court will be called and conducted in accordance with the provisions of the Texas Open Meetings Act, Chapter 551 Government Code (hereinafter "Open Meetings Act"). The County Clerk or designated Deputy Clerk is responsible for keeping the minutes or recording open sessions of the Court in accordance with applicable law. If minutes are kept, such shall be submitted to the Court for approval, and after approval, shall be maintained by the County Clerk in accordance with applicable law. Recordings of open sessions, if used to assist the Clerk in preparing the minutes, shall be retained by the County Clerk for at least 90 days after the applicable minutes have been approved by the Court. If notes made by the Clerk are used to assist the Clerk in preparing the minutes, the notes shall be retained by the County Clerk for at least 90 days after the applicable minutes have been approved by the Commissioners Court. If a recording of an open session is made as the record of the meeting, such shall be maintained by the County Clerk as required by law. If a recording of an open session is made and not used by the Clerk to prepare the minutes, the recording shall be retained by the County Clerk until the applicable minutes are approved by the Commissioners Court. The County Judge or designated member of the Court is responsible for recording or preparing a certified agenda of all executive sessions of the Court in accordance with applicable law. Recordings or certified agendas of executive sessions shall be maintained by the County Judge in accordance with applicable law.

**PARAGRAPH II. MEETINGS OPEN TO THE PUBLIC.**

Regular, special, and emergency meetings of the Commissioners Court are open to the public and to representatives of the press and media. Executive sessions of the 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 of the Court. Matters deliberated in executive session are confidential. Public discussion or public disclosure of matters deliberated in executive session is prohibited. Neither the recording or certified agenda of an executive session shall be made public except as provided by the Open Meetings Act. Any elected or appointed official or any employee of the County or any other person who violates this provision shall be subject to contempt of Court and/or the sanctions set out in Paragraph XIII.

### **PARAGRAPH III. SCHEDULE AND LOCATION FOR MEETINGS.**

The Commissioners Court meets in regular session on the second and fourth Mondays of each month. Meetings will be held in the Commissioners Court Meeting Room, Suite 300. Third Floor, Kendall County Courthouse, 201 East San Antonio, Boerne, Texas unless the majority of the Court agree to a meeting of the Court being held at another location. All meetings of the Court shall be held in Kendall County. Special meetings will be called as needed. In order for a matter or issue to be on the agenda of any regular meeting of the Court, a request for the item to be placed on the agenda must be submitted to the County Judge's office by 12:00 p.m. (noon) on the Wednesday immediately preceding the meeting. The following persons are authorized to place items on the agenda for meetings of the Court: the County Judge, any Commissioner, and any Department Head (subject to approval by the County Judge or any Commissioner). Items submitted by any other person must be approved by the County Judge or a Commissioner before being placed on the agenda.

### **PARAGRAPH IV. CONDUCT OF MEETINGS.**

- A. The County Judge is the Presiding Officer of the Commissioners Court and is a fully participating member thereof, allowed to make or second motions and vote in the same manner as other members of the Court. In the event of the absence of the County Judge, the senior member of the Commissioners Court (in terms of total number of years as an elected representative) present at the meeting shall serve as the Judge Pro-Tem of the Court. However, nothing herein shall prevent the senior member of the Court from



delegating this duty to another member of the Commissioners Court. The County Judge (or the Judge Pro-Tem of the Commissioners Court) as Presiding Officer of Commissioners Court, is responsible for conducting all meetings in accordance with these rules. Persons in attendance must stand and be recognized by the Presiding Officer before addressing the Court. Any person speaking without being recognized by the Presiding Officer will be subject to being held in contempt of Court and/or subject to the sanctions set out in paragraph XIII.

- B. At the time that the meeting is scheduled to begin, the Presiding Officer shall call the Court into session by stating: "This regular (special) meeting of the Commissioners Court of Kendall County, Texas is now in session."
- C. At regular meetings of the Court, and at the discretion of the Presiding Officer, the members of the Court and all present shall stand and recite the pledge of allegiance to the flag of the United States of America and to the flag of the State of Texas. At special meetings of the Court, the pledges may be omitted.
- D. Prior to commencing the business of the Court, a member of the Court may call for a moment of silence and/or a member of the Court, or a person designated by a member of the Court, may offer a prayer or invocation. (Amended March 9, 2015).
- E. The Presiding Officer shall then conduct the meeting in accordance with the agenda for the meeting.

#### **PARAGRAPH V. PUBLIC PARTICIPATION.**

The business of Kendall County is conducted by and between the members of the Commissioners Court and by those members of the County staff, elected officials, consultants, experts and/or members of the public requested by the Court to be present and participate. While the public is invited to attend all meetings of the Commissioners Court (except executive sessions) the public's participation therein is limited to that of observers unless a member (or members) of the public is requested to address the Commissioners Court on a particular issue (or



issues) or unless the member (or members) of the public completes a Public Participation Form and submits it to the Court Clerk prior to the time the agenda item (or items) is addressed by the Court.

- A. Each person who appears before the Court shall be limited to a maximum of three (3) minutes to make their remarks. Time for each speaker shall be maintained by the Court Clerk or such other person designated by the Presiding Officer.
- B. The maximum time for discussion on any agenda item, regardless of the number of persons wishing to address the Court on such agenda item, shall be limited to thirty (30) minutes. In the event that more than ten (10) individuals wish to address the Court concerning a particular agenda item, then the Court may, by the majority vote of the members of the Court in attendance at the meeting, reduce the time that each person is allowed to speak and/or limit the number of persons speaking. To the extent possible, those recognized to speak shall be divided equally between those wishing to speak in support of the agenda item and those wishing to speak against the agenda item.
- C. In matters of exceptional interest, the Court may, by the majority vote of the members of the Court in attendance at the meeting, either shorten or lengthen the time allocated for a particular speaker, all those who wish to speak, and/or the amount of time allocated for all agenda items and/or a specific agenda item.
- D. As required by the Open Meetings Act, members of the Court cannot deliberate matters that are not on the posted agenda. Therefore, responses made by the Court members, other elected or appointed officers, or employees of the County to public comments made concerning matters that are not on the agenda shall be limited to a statement of specific factual information in response to an inquiry; a recitation of existing policy in response to an inquiry; or a proposal to place the subject on the agenda for a subsequent meeting of the Court.



**PARAGRAPH VI. RULES OF CONDUCT, DRESS, AND DECORUM.**

It is the intention of the Court to provide an open access to the citizens of Kendall County to address the Commissioners Court and express themselves on issues of County government. Members of the public are reminded that the Kendall County Commissioners Court is a Constitutional Court, with judicial, executive, and legislative powers, created under Article V, Section 1 and Section 18 of the Texas Constitution. As a Constitutional Court, the Commissioners Court has the power to hold a person in contempt of Court under Section 81.023 of the Texas Local Government Code. Accordingly, persons in attendance at any 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. In particular, the following requirements shall be complied with by all persons:

- A. Proper attire for men, women, and children is required in the Courtroom. No shorts, tank tops, or shirts with vulgar language will be allowed. No hats, caps, or other types of headwear will be worn in the Courtroom.
- B. All persons attending Court proceedings shall sign in on the list provided at the entrance to the Courtroom and provide the information requested. Persons desiring to address the Court on any matter before the Court or to speak during the Public Comments session shall complete a Public Participation Form.
- C. Persons shall remain seated in the Courtroom during all times that the Court is in session unless directed to stand by the Presiding Officer or Bailiff or when standing to be recognized by the Presiding Officer. In the event that no seats are available, persons may be allowed to stand in sections of the Courtroom as directed by the Presiding Officer or Bailiff.
- D. Persons should remain quiet and respectful at all times while in the Courtroom. No talking, laughing, or other loud or obnoxious behavior is permitted in the Courtroom while the Court is in session.



- E. No eating, drinking, or smoking will be allowed in the Courtroom.
- F. No weapons will be allowed in the Courtroom, except for those in the possession of law enforcement officers on official duty.
- G. Cell Phones, pagers and other electronic devices shall be turned off or placed in silent mode while in the Courtroom.
- H. Filming, taping or recording of open sessions of the Court will be permitted as allowed by applicable law, provided such is done in a manner that is not disruptive, distracting, or that interferes with Court proceedings, and is conducted in accordance with Paragraph IX.
- I. All persons entering the Courtroom are subject to being searched and/or having purses, brief cases, and other items in their possession searched.

Any person who is not appropriately dressed and/or who does not conduct themselves in accordance with these rules will be ordered to leave the Courtroom by the Presiding Officer or Bailiff. Refusal to comply with the order of the Presiding Officer or Bailiff, and/or violation of these rules will result in the person or persons being removed from the Courtroom, being held in contempt of Court, and/or being subject to the sanctions set out in paragraph XIII.

**PARAGRAPH VII. FALSE, PROFANE AND THREATENING LANGUAGE PROHIBITED.**

It is not the intention of the Commissioners Court to provide a public forum for the demeaning of any individual or group. Neither is it the intention of the Court to allow anyone to make false statements concerning the honesty and/or integrity of the Court, as a body, or any member or members of the Court, individually or collectively, other County officers or employees, or others, or to make false statements to the Court concerning matters before the Court for consideration. Accordingly, profane, false, 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:

- A. Cancellation of a speaker's remaining time; and



- B. Removal from the Commissioners Courtroom; and
- C. Being held in contempt of Court; and/or subject to the sanctions set out in Paragraph XIII.

**PARAGRAPH VIII. RULES FOR THE PRESS, MEDIA, AND OTHERS RECORDING OPEN SESSIONS OF THE COURT.**

- A. All personnel and equipment, including lights, cameras, and microphones will be located in the rear of the courtroom behind public seating unless permission is given by the Commissioners Court to place equipment and/or personnel at a different location.
- B. Reporters and media technicians and others are required to structure their movements, equipment set-up and take down and adjustments, etc. in such a manner as to not disrupt or interfere with the Court's deliberations or the ability of those in attendance to see, hear, and participate in the proceedings.
- C. Interviews shall not be conducted inside the Commissioners Courtroom while the Court is in session.
- D. Media interviews which are conducted outside the Commissioners Courtroom shall be conducted in such a manner so that the interview does not disturb, impede or disrupt the proceedings of the Court.

**PARAGRAPH IX. BAILIFF.**

The Sheriff of Kendall County, Texas, or a designated deputy, shall serve as the bailiff at all meetings of the Court. However, in the event of the absence of the Sheriff or a deputy, 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 concerning an item on the agenda of the Court meeting, or in the event of an executive session of the Court in which the Sheriff is not an authorized participant, then the Court shall appoint such other commissioned peace officers to serve as bailiff as may be necessary.



**PARAGRAPH X. TOWN MEETINGS.**

From time to time, the Commissioners Court may conduct town meetings and/or public hearings. These Rules of Procedure, Conduct and Decorum shall also apply to such town meetings and public hearings. However, the Commissioners Court may adopt such additional and supplemental rules for such meetings as may be necessary and appropriate to conduct such meetings in an orderly, efficient and proper manner.

**PARAGRAPH XI. SWORN TESTIMONY.**

At the discretion of the Presiding Officer, or at the request of any Commissioner or the County Attorney, any person appearing before the Commissioners Court seeking relief from an order, regulation or rule of the Court, or appearing before the Court to oppose granting such relief; or appearing before the Court to complain about, or make charges against, any officer or employee of the County or any other person; or to testify for or against any proposed action by the Court will be placed under oath by the Presiding Officer of the Court. (OATH: "Do you swear (or affirm) that the testimony you shall give in the matter before the Court shall be the truth, the whole truth, and nothing but the truth, so help you God?")

**PARAGRAPH XII. SANCTIONS.**

Violation of these Rules of Procedure, Conduct and Decorum may, by the decision of the Commissioners Court, result in the following sanctions:

- A. Cancellation of a speaker's remaining time.
- B. Removal from the Commissioners Court meeting room.
- C. Being held in contempt of Court and punished by fine and/or imprisonment as allowed by law. (Note: The Presiding Officer may hold a person in contempt of Court subject to any member of the Court calling for a vote on whether the person should be held in contempt. If any member calls for a vote, the Presiding Officer shall ask each member of the Court for their vote on the issue of contempt. If no member of the Court calls for a vote, the Presiding Officer's decision to hold a person in contempt is



final. In addition, any member of the Court may make a motion to hold a person or persons in contempt of Court subject to rules applicable to other motions. A majority vote of the members of the Court present and voting is required to determine the issue of contempt.)

- D. Such other civil and/or criminal sanctions as may be authorized by the Constitution and laws of the State of Texas.

**PARAGRAPH XIV. Appointments.**

The County Judge or in the Judge's absence, the Judge Pro Tem has the authority to appoint committees composed of County Officers, County employees and citizens to assist the Court in carrying out its responsibilities. In addition, in some instances, the County Judge is given the authority and responsibility to appoint members to some organizations; and in other instances, the Commissioners Court is given the authority and responsibility to appoint such members. In making appointments, the following rules shall apply:

A. Appointments made by the County Judge:

1. Appointments shall be made without regard to age, sex, religion, race, national heritage, or disability status, provided that normally, only persons 18 years of age or older will be eligible to be appointed.
2. The County Judge may appoint members without assistance of the Commissioners or may ask for recommendations from any or all of the Commissioners.
3. All statutory requirements shall be complied with in making appointments.
4. Unless the applicable statute, organizational provisions or circumstances dictate otherwise, only residents of Kendall County shall be appointed.
5. To avoid potential conflicts of interest, unless required by statute or organizational provisions, a person serving as an elected or appointed officer of another governmental entity will not be eligible for appointment to a position as a representative of Kendall County.

B. Appointments made by the Commissioners Court:

1. All statutory requirements shall be complied with in making appointments.



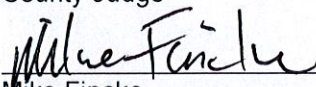
2. Appointments shall be made without regard to age, sex, religion, race, national heritage, or disability status, provided that normally, only persons 18 years of age or older will be eligible to be appointed.
3. Unless the number of appointees is specified by statute or organizational provisions, the Commissioners Court will decide how many persons will be appointed by each member of the Court, including the County Judge, to any particular body.
4. When the number of appointees is less than five, the Commissioners Court may make appointments as decided by a majority of the Court.
5. Unless otherwise decided by majority vote of the Commissioners Court, Commissioners shall only appoint persons who reside in their precinct.
6. To avoid potential conflicts of interest, unless required by statute or organizational provisions, a person serving as an elected or appointed officer of another governmental entity will not be eligible for appointment to a position as a representative of Kendall County.
7. Every effort should be made to appoint persons in different professions, including those who are home makers and those who are retired.

These Rules of Procedure, Conduct and Decorum at meetings of the 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.

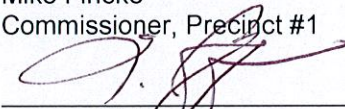
AMENDED BY THE COMMISSIONERS COURT ON THE 9th DAY OF MARCH 2015.



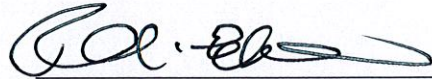
Darrel L. Lux  
County Judge



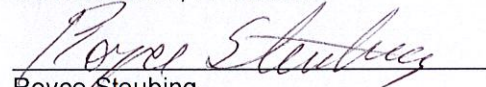
Mike Fincke  
Commissioner, Precinct #1



Tommy Pfeiffer  
Commissioner, Precinct # 3



Richard W. Elkins  
Commissioner, Precinct #2



Royce Steubing  
Commissioner, Precinct # 4

Attest:



Darlene Herrin  
County Clerk