

THE STATE OF TEXAS

COUNTY OF COLLIN

**Subject: Resolution, Supporting the Authority of Commissioners Courts in Texas – Commissioners Court**

On **November 2, 2015**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

<b>Keith Self</b>		<b>County Judge, Presiding</b>
<b>Susan Fletcher</b>		<b>Commissioner, Precinct 1</b>
<b>Cheryl Williams</b>	<b>Not Present</b>	<b>Commissioner, Precinct 2</b>
<b>Chris Hill</b>		<b>Commissioner, Precinct 3</b>
<b>Duncan Webb</b>		<b>Commissioner, Precinct 4</b>

During such session the court considered adoption of a Resolution supporting the authority of Commissioners Courts in Texas.

**Whereas**, Texas statutes provide for the orderly conduct of county business and include provisions addressing staffing for the county and district courts in a county; and

**Whereas**, the Texas Local Government Code sets forth the process by which elected district, county, and precinct officers may appoint deputies, assistants, clerks, and other employees that are required in the performance of the officer's duties, and requires commissioners court approval of both the creation of, and compensation for, each such position; and

**Whereas**, the Texas Constitution grants district courts supervisory authority over county commissioners courts that can be invoked only when a commissioners court acts beyond its jurisdiction or when the commissioners court clearly abuses the discretion conferred upon it by law; and

**Whereas**, there exists almost 90 years of judicial precedent holding that a district court may not invoke its own supervisory authority over a commissioners court, and that a lawsuit challenging an action of the commissioners court is required to invoke such authority; and

**Whereas**, a district court's inherent power to require the legislative and executive branches of government to provide essential staffing for the court to perform its judicial functions has long been recognized by the courts of Texas to be limited and subject to principles of due process; and

**Whereas**, the county commissioners courts of Texas, as the sole authority responsible for setting annual budgets and assessing taxes on county residents to fund such budgets, are the appropriate bodies for making decisions of a budgetary nature within each county; and

**Whereas**, in the matter of *The Hon. Lonnie Cox v. The Hon. Mark Henry*, Cause No. 15CV0583, now pending in the 56th Judicial District Court, Galveston County, these fundamental principles for the orderly conduct of county business are at issue; and

**Whereas**, any appellate court decision in the case is likely to have statewide impact of profound importance to all counties in the state;

**Now therefore, be it resolved**, that the Commissioners Court of Collin County, Texas supports the efforts of the Galveston County Commissioners Court to defend: (1) the well-defined authority of county commissioners courts in budget matters within each county; and (2) principles of due process applicable to district court review of county commissioners courts' decisions; and

**Be it further resolved**, that the Commissioners Court of Collin County, Texas urges other counties to support the Galveston County Commissioners Court through appropriate means, such as resolutions of support and amicus curiae.



Keith Self, County Judge

Susan Fletcher, Commissioner, Pct. 1

Not Present

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

Stacey Kemp, Ex-Officio Clerk  
Commissioners Court  
Collin County, TEXAS