



Dear Texas County Official,

My name is Ken Clark and I am the Galveston County Precinct 4 Commissioner. Our Commissioners Court in Galveston County is facing a serious fight with our local judiciary that will have repercussions that could impact every county in Texas. It is important that we stand together as county legislators and defend the Texas Constitution.

There is a district judge in Galveston County that is trying to invoke Article 5, Section 8 of the Texas Constitution by claiming the judiciary has "supervisory control" of Commissioner Court. Under this interpretation, the judiciary would have control of everything from county salaries to administrative decisions. This would minimize the effectiveness of Commissioners Courts.

We need your help in protecting the Texas Constitution and a resolution from your Commissioners Court would go a long way in helping us fight this battle. A show of solidarity from your county will bring important attention to this serious issue with wide reaching ramifications. The Conference of Urban Counties (CUC) recently passed such a resolution in favor of Galveston County Commissioners Court and while at the Texas Association of Counties (TAC) Conference, we gained commitments for resolutions from another almost 40 counties. Attached you will find a sample resolution that can easily be introduced in your court. We would appreciate your support in ensuring independence of each of our county legislatures.

If you have any questions or would like more information, please do not hesitate to contact me via phone at 281-236-3309. If you and your court do decide to support our cause, please send all resolutions that are passed to [ken.clark@co.galveston.tx.us](mailto:ken.clark@co.galveston.tx.us) or 174 Calder Drive, League City, TX 77573.

Thank you again and we look forward to hearing from you and your court.

Sincerely,

Ken Clark  
Galveston County Commissioner, Pct. 4  
Phone: 281-236-3309

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## PROPOSED RESOLUTION

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 \_\_\_\_\_ 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 \_\_\_\_\_ County, Texas urges other counties to support the Galveston County Commissioners Court through appropriate means, such as resolutions of support and amicus curiae.