

SUBJECT: Commissioners Court

TITLE: Denton County Commissioners Court Meetings: Comment by Members of the Public

DATE APPROVED: November 28, 2017

1. PURPOSE/GOVERNING LAW

Denton County Commissioners Court is a “governmental body” that must conduct its meetings in compliance with Chapter 553 of the Texas Government Code (the “Open Meetings Act”). With certain exceptions, such meetings must be “open to the public.” The public has a right to attend such “open” meetings.

A governmental body is not required to permit members of the public to speak at an open meeting, but may elect to do so. In granting such permission the governmental body may set fair and reasonable limits on the use of that privilege.

This policy sets forth the rules and procedures applicable to the making of comments and the sharing of materials/information by members of the public at an open meeting of Denton County Commissioners Court (“the Court”).

This Policy does not pertain or apply to discussion between the Court and any employee or officer of Denton County (county, precinct, or district), or any appointed member of a Denton County commission or board concerning a posted item of County business. This Policy also does not pertain or apply to any discussion between the Court and any State officer, employee or board/commission member concerning a posted item of County/State business, or between the Court and a contractor concerning a posted item of County business with which that contractor is directly concerned or to any person or group appearing under Item 3 “Resolutions/Awards/Reports/Presentations” or Item 4 “Public Hearings.”

2. PUBLIC COMMENT REGARDING GENERAL MATTERS

A person wishing to speak before the Court on any matter other than a posted item of County business on the Court agenda should register as provided in Section 4 below. (Item 1, which is reserved on each Commissioners Court agenda for “Public Comments” on general matters, is not a “posted item of County business”).

The Court will typically provide time for the public to speak on any matter other than a posted item of County business at the beginning of each meeting, before posted items are taken up. However, the presiding officer may elect to postpone the time for such comments until after some or all posted items have been addressed. Therefore, persons wishing to speak before the Court under this section should be prepared to be present for the entire meeting. Once the Court commences the time for comments under this section, the presiding officer will call each registered speaker in order of registration (first person to register will be called first, etc.). Any registered person who is not present in the Commissioners Courtroom when called to speak forfeits his/her speaking slot. However, if

a registrant is out of the Commissioners Courtroom when called but returns before the other registrants' comments have concluded for this item, the presiding officer may permit that registrant to comment last.

In lieu of speaking before the Court, persons may wish to make public comment under Section 2 (General Matters) in written form. Persons who wish to provide written comments may submit those comments to the Aide to Commissioners Court at any time after the agenda is available (see Section 4.2 below). Once received, the Aide to Commissioners Court will distribute the written comments to the members of the Court and County Clerk's Office for recording purposes.

The Court is prohibited under the Open Meetings Act from discussing subject matter that is not posted on the agenda as a posted item of county business. Concerning matters raised by a person speaking under Section 2 (General Matters), members of the Court are therefore permitted only to:

1. Propose that the subject be placed on a future meeting agenda;
2. Make a statement of fact in response to an inquiry by the speaker; or
3. Recite existing policy in response to an inquiry by the speaker.

3. PUBLIC COMMENT REGARDING POSTED AGENDA ITEMS

A person wishing to speak before the Court on a posted item of County business should register as described in Section 4 below.

Persons registering to speak before the Court should be prepared to stay for the entire meeting, as agenda items need not be addressed by the presiding officer in the order listed on the agenda. Once Court discussion of the posted item has commenced, the presiding officer will call each registered speaker in order of registration (first person to register will be called first, etc.). Any registered person who is not present in the Commissioners Courtroom when called to speak forfeits his/her speaking slot. However, if a registrant is out of the Commissioners Courtroom when called but returns before the other registrants' comments have concluded for that posted item, the presiding officer may permit that registrant to comment last.

In lieu of speaking before the Court, persons may wish to make public comment under Section 3 (Posted Agenda Items) in written form. Persons who wish to provide written comments may submit those comments to the Aide to Commissioners Court at any time after the agenda is available (see Section 4.2 below). Once received, the Aide to Commissioners Court will distribute the written comments to the members of the Court and County Clerk's Office for recording purposes.

4. REGISTRATION

4.1 Registration under this Policy is accomplished by the successful submission of a fully-completed Public Comment Registration form, which may be submitted online, in person on the day of the Commissioners Court meeting, or by calling the Aide to Commissioners Court.

4.1.1 To register online, those wishing to speak during Commissioners Court must follow the instructions at the following link: [Public Comment Form](#)

4.1.2 In lieu of registering online, those wishing to speak during Commissioners Court may call the Aide to Commissioners Court at 940-349-2830 for assistance with completing the registration.

4.1.3 Registration is on a first-come, first-served basis. The Aide to Commissioners Court will verify the order received and completeness of registrations for all requests to speak during Commissioners Court, whether submitted online, in person, or via telephone.

4.2 Time of Registration. Registration under Sections 2 (General Matters) and 3 (Posted Agenda Items) opens when the applicable meeting agenda is posted by the County Clerk's Office and is available on the County website. Members of the public wishing to speak to the Court who submit registration forms prior to the opening time for that agenda will not be considered.

4.3 For General Public Comments (Section 2) or for Posted Agenda Items (Section 3), registration forms to speak before the Court must clearly identify the number of the posted item that the person wishes to comment on.

4.3.1 Persons who have registered under Section 2 will each be given 3 minutes to speak before the Court. Such comments may concern any subject.

4.3.2 Persons who have registered under Section 3 will each be given 3 minutes to speak before the Court. Such comments shall concern the posted item only.

4.3.3 Maximum discussion under Sections 2 or 3, regardless of the number of members of the public wishing to address Commissioners Court, shall be limited to 45 minutes total per item. To the extent possible, the members registering to speak on any item shall be evenly divided among those wishing to speak in favor of and those wishing to speak in opposition to the agenda item or topic. Whenever possible, if members of the public are wishing to convey the same views or provide the same information to the Court, they should nominate a single speaker to represent their interests.

5. COURTROOM DECORUM

Members of the public are reminded that the Commissioners Court is a Constitutional Court, with judicial and legislative powers, created under Article V, Section 1 and Section 18 of the Texas Constitution. As a Constitutional Court, the Commissioners Court also possesses the power to issue a Contempt of Court Citation under Section 81.024 of the Texas Local Government Code. Accordingly, 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.

All persons making comments before the Court must adhere to and are subject to the Code of Conduct.

It is not the intention of the Court to provide a public forum for the demeaning of any individual or group. Neither is it the intention of the Court to allow a member or members of the public to insult the honesty and/or integrity of the Court as a body or any member or members of the Court, individually or collectively. Accordingly, 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 cancellation of the speaker's remaining time, removal from the Commissioners Courtroom, banning from appearing before the Court for up to six months, a Contempt Citation, and/or such other civil and/or criminal sanctions as may be authorized under the Constitution, Statutes, and Codes of the State of Texas.

SUBJECT: Commissioners Court

TITLE: Denton County Commissioners Court Meetings: CODE OF CONDUCT

DATE APPROVED: November 28, 2017

1. PUBLIC ATTENDANCE AT OPEN MEETING OF COMMISSIONERS COURT:

- 1.1 Members of the public who attend meetings of Denton County Commissioners Court shall conduct themselves in accordance with this policy.
- 1.2 All electronic devices must be turned off or placed on silence.
- 1.3 Persons in attendance shall not make noise or engage in other activity that impairs the ability of others present to hear or to follow the proceedings or that otherwise disrupts or interferes with the orderly conduct of the meeting.
- 1.4 Persons making public comment before the court (see Public Comments policy) shall do so in a constructive and respectful manner and at a reasonable volume. There shall be no yelling, no use of profanity, and no personally abusive statements.
- 1.5 The posting of placards, banners or signs inside the courtroom is prohibited. Persons in attendance may hold signs or banners only if standing or seated. However, if any such signs/banners inhibit the ability of other persons to see or hear the proceedings, the presiding officer may order their removal from the courtroom.
- 1.6 Persons who violate these rules may be ordered by the presiding officer to exit the Courtroom. Persons who fail to leave the Courtroom as ordered are subject to being physically removed by security, as directed by the presiding officer. Any person ordered or removed from a commissioners court meeting under the provisions of this section may be barred from further attendance at commissioners court meetings for up to six months.
- 1.7 A person that is found to be in violation of these rules may be held in contempt by order of the presiding officer under V.T.C.A., Local Government Code, § 81.023.

2. FAILURE TO ADHERE TO CODE OF CONDUCT

Persons removed from a commissioners court meeting for failure to adhere to these rules may be subject to arrest and prosecution for violation of the V.T.C.A., Penal Code §§ 38.13, 42.01 or 42.05.