March 21, 2003

AGENDA LETTER

Commissioners Court
1001 Preston, 9th Floor
Houston, Texas 77002

Court Members:

Please consider the following item on the Commissioners Court agenda for April 1, 2003:

Discussion and possible action to approve and adopt the proposed rules of operation for Commissioners Court meetings.

Sincerely

Robert Eckels
County Judge

RAE/lmr

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<th>Vote of the Court:</th>
<th>Yea</th>
<th>No</th>
<th>Abstain</th>
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<td>Judge Eckels</td>
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<td>Comm. Eversole</td>
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January 21, 2003

County Judge Eckels and
Commissioners Lee, Garcia,
Radack, and Eversole
1001 Preston, 9th Floor
Houston, Texas 77002

Re: Order authorizing public appearances before Commissioners Court and
establishing a policy of proper decorum

Dear Judge & Commissioners:

At your request, we have reviewed the proposed "Rules of Conduct and Decorum at
Meetings of the Commissioners Court of Harris County, Texas," a copy of which is attached
hereto. The Rules appear to comply with applicable law. Therefore, we find no legal
impediment to adoption of these Rules.

Please note that a meeting of Commissioners Court may be held at another location
only as authorized by Local Government Code Section 81.005. TEX. LOC. GOV'T CODE ANN.
§81.005 (Vernon Supp. 2002). For instance, Local Government Code Section 81.005(c)(5)
authorizes a Commissioners Court to move its meeting to:

   a meeting place in the county in a building owned by the county
if:
   (A) the place where the commissioners court regularly holds
       its meetings is not large enough to accommodate the
       number of persons expected to attend the meeting; and
   (B) the meeting place in the building owned by the county is
       large enough to accommodate the expected number of
       persons.

TEX. LOC. GOV'T CODE ANN. § 81.005(c)(5) (Vernon Supp. 2002). Additionally,
Commissioners Court may move the site of its meeting in the interest of public safety as
follows:

If the commissioner court determines that in the interest of
public safety the term should be held at a site other than the site
selected under Subsection (d), the commissioners court may,
after notice, hold a term at a different site as determined by the
commissioners court.
The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

TEX. CONST. art. I, § 27. Notwithstanding this Constitutional mandate, the Attorney General has held that a Commissioners Court may regulate the manner and frequency of appearances before Court as follows:

A commissioners court may limit the number of persons it will hear on a particular subject and the frequency with which they may appear, so long as its regulation does not abridge constitutionally guaranteed rights of freedom of speech and to petition, nor unfairly discriminate among views seeking expression.

Op. Tex. Att’y Gen. No. H-188 (1973). Therefore, provided the Rules are not applied in a manner that unfairly discriminates among views seeking expression, it appears that the proposed Rules satisfy Constitutional requirements governing the rights of members of the public to speak at meetings of Commissioners Court. See, Corpus Christi Independent School Dist. v. Pandíllo, 709 S.W.2d 700, at 704, 705 (Tex. App.—Corpus Christi, 1986, no writ), and Professional Ass’n of College Educators v. El Paso County Community Dist., 678 S.W.2d 94, at 96 (Tex. App.—El Paso, 1984, writ ref’d n.r.e.).

Provided the Rules are not applied in a manner that unfairly discriminates among views seeking expression, and that Commissioners Court complies with applicable provisions of Local Government Code Section 81.005 relating to the place and term of meetings of Commissioners Court, and with Government Code Sections 551.001 et seq. relating to open meetings, it appears that the proposed “Rules of Conduct and Decorum at Meetings of the Commissioners Court of Harris County, Texas” comply with applicable state law. See TEX. CONST. art. I, § 27, TEX. LOC. GOV’T CODE ANN. § 81.005 (Vernon Supp. 2002), and TEX. GOV’T CODE ANN. §§ 551.001 et seq. (Vernon Supp. 2002). Should you have any questions or desire additional information, please contact us.

Sincerely,

MIKE STAFFORD
County Attorney

By: /s/ MARVA GAY
Assistant County Attorney

APPROVED:

/s/ JOHN R. BARNHILL
First Assistant County Attorney
Commissioners Court
Harris County Texas

Rules of Conduct and Decorum at Meetings of the Commissioners Court of Harris County, Texas

I. Purpose:

These Rules of Procedure are adopted by the Harris County Commissioners Court expressly to promote the orderly conduct of the business of the County and to help those members of the public who have business before the Court or who wish to observe the meetings of the Court.

II. Meetings:

A. The Commissioners Court of Harris County Texas normally meets in the Commissioners Court Room of the Harris County Administration Building, 1001 Preston, 9th Floor, Houston, Texas. Meetings may be held at another location as specified in the notice setting the meeting.

B. All meetings are posted by the County Clerk, Commissioners Court Records Department, in the lobby of the Criminal Justice Center, 1201 Franklin. As a courtesy, notices are also posted on the first and ninth floor bulletin boards in the lobby of the Administration Building, 1001 Preston.

C. The County Clerk, Commissioners Court Records Department, will also post regular and special meeting notices as directed by the Court. According to Local Government Code § 81.005, the County Judge or three County Commissioners may call a special meeting.

D. A proposed schedule of regular meeting dates, a court agenda and the results of previous meetings will be maintained and made available to the public by the County Clerk, Commissioners Court Records Department, and will be posted on the County’s web site www.co.harris.tx.us.

E. All Regular, Special, Emergency and Executive Session meetings of the Harris County Commissioners Court will be called and conducted in accordance with the provisions of the Texas Open Meetings Act, Texas Govt. Code, Chapter 551.

III. Open Meetings Attendance:

Regular, Special and Emergency meetings of the Commissioners Court are open to the public and representatives of the media. Executive Sessions of the Commissioners Court are not open to the public or representatives of the media and only those individuals
expressly requested or ordered to be present are allowed to attend Executive Sessions of the Court.

IV. Agenda:

A. The Commissioners Court determines the agenda for meetings of the Court. A request for a matter or issue to be considered for placement on the regular agenda for the Commissioners Court must be received by the Commissioners Court Coordinator in the Department of Management Services by 9:00 a.m. of the Thursday immediately preceding the scheduled meeting unless an earlier time is requested to accommodate County Holidays or other special circumstances.

B. Any County Elected Official or County Department may place an item affecting their department or area of responsibility for discussion or consideration on the agenda. The request must be submitted to the Commissioners Court Coordinator, Department of Management Services, Harris County Administration Building, 1001 Preston, 9th Floor, Houston, Texas. The request shall be in a form approved by the Coordinator. Request for placement of items received after the deadline may be posted as supplemental items at the discretion of the Coordinator.

C. An item that has previously been placed on the agenda and voted upon may not be placed on a subsequent agenda without the approval of a Member of the Commissioners Court who voted on the prevailing side of the issue.

V. Public Participation:

A. Purpose of Meetings:

The business of Harris County is conducted by and between the members of the Harris County Commissioners Court and those members of the County staff, Elected Officials, Department Heads, consultants, experts and/or members of the public requested to be present and to participate. While the public is invited to attend all meetings of the Commissioners Court (except Executive Sessions) the public’s participation in those meetings is limited to that of an observer unless requested to address the court on a particular issue by a member or members of the court.

B. Public Participation Form:

A member of the public who wishes to address the court must complete a “Public Participation Form” indicating which issue being considered by the court he or she wishes to speak on and deliver the form to the Management Services Department, 1001 Preston, Suite 938.

C. Conduct of Meetings:
The County Judge or a Member of the Commissioners Court serving as presiding officer is responsible for conducting all meetings. Members of the Public who have properly submitted a completed “Public Participation Form” may address the court after being recognized by the presiding officer.

D. Order of Consideration of Public Comments:

The Court will consider public comments relating to agenda items to be considered at the meeting prior to consideration of that agenda item. Comments not related to items on the agenda will be considered at the end of the meeting as time permits at the discretion of the Court.

E. Time Limit:

Each member of the Public who appears before the court is limited to three minutes to make his or her remarks unless the speaker has appeared before the court on the same issue in any of the past three meetings, in which case the comment period shall be limited to one minute. The Clerk of the Court or another person designated by the Chair shall keep the time for speakers.

The maximum time allowed for discussion of any agenda item (or items), regardless of the number of individuals signed up to speak on the item, is fifteen (15) minutes. In the event that more than five individuals are signed up to speak on an issue, the Chair shall allow the first five to speak. In the event that there are individuals to speak both in favor of and in opposition to an issue or item before the Court, the Chair may allow up to three individuals to speak on each side of the issue and the maximum time will be extended accordingly. In matters of exceptional interest, the Court may, by a majority vote of those members in attendance, either lengthen or shorten the time allocated for public input for all Agenda items and/or for a specific Agenda item.

F. Proper Conduct Required:

It is the intention of the Commissioners Court of Harris County to provide open access to all Members of the Public of Harris County to express themselves on issues addressed by County Government. However, members of the general public are reminded that the Harris County Commissioners Court is a Constitutional Court, created by the State with judicial, administrative and legislative powers. As such, the Harris County Commissioners Court possesses full power and authority to issue Contempt of Court citations. Accordingly, persons in attendance at any meeting of the Court shall conduct themselves with proper respect and decorum in addressing the Court, in participating in public discussions before the Court, and in all actions in the presence of the Court or while in the Commissioners Courtroom. Profane, insulting or threatening language, racial, ethnic or gender slurs or epithets will not be tolerated. Those persons who do not conduct themselves in an orderly and appropriate manner will be ordered to leave the meeting and recognition to speak may be refused at
subsequent meetings of the Court. Refusal to abide by the Courts Order may result in a Contempt of Court Citation.

G. Media:

Media personnel and/or equipment including cameras, microphones or lights may not be located behind the Commissioners Court Bench without the express approval of the Court. Reporters and media technicians are required to structure their movements, equipment set-up and take-down and other activities in a manner so as not to disrupt the Commissioners Court deliberations or the ability of the public to see, hear and participate in the proceedings. Interviews shall not be conducted inside the Courtroom while the Court is in session. Media interviews conducted outside the courtroom while the Court is in session should be conducted in a manner to avoid disruption of the proceedings of the Court.

VI. Bailiff:

The Constable for Precinct 1 and/or his designated deputy shall serve as Bailiff at all meetings of the Commissioners Court. The Court may appoint such other persons as Bailiff as it may deem necessary.