

A Guide to COMMISSIONERS COURT

By Texas Civil Rights Project



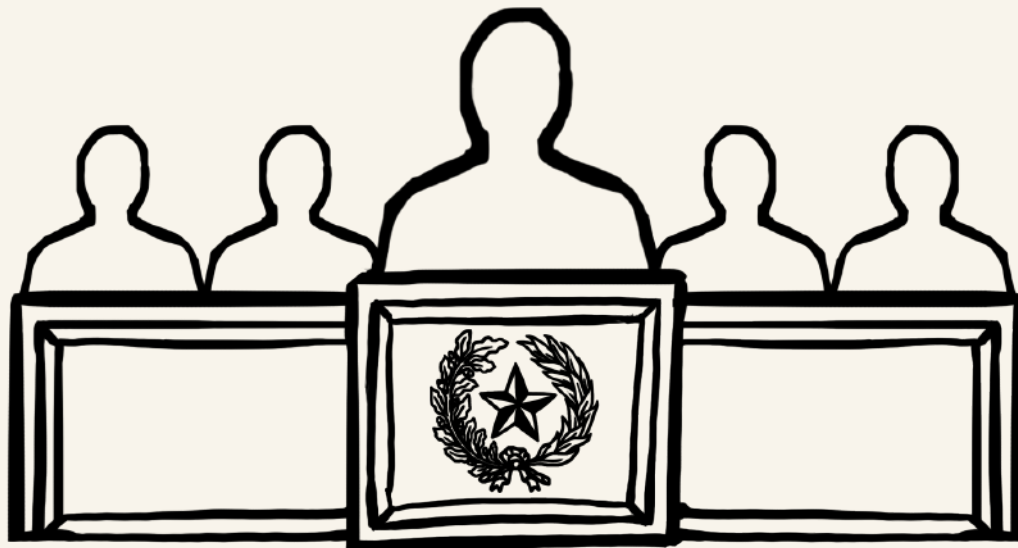
What is it?

The commissioners court is the main governing body of a county in Texas. Despite being called a court, the commissioners court primarily functions as an executive and legislative body, meaning they oversee the administration of the county and pass the policies and budget for the county. Commissioners courts play a minimal role, if any, in judicial matters. Many commissioners courts have delegated those judicial responsibilities to other courts in the county, while some, typically in rural areas, continue to handle small criminal cases.

Who are they?

The five-member commissioners court is made up of the **county judge** and **4 commissioners**, who each serve **4 year terms** and are elected on a **partisan** basis.

- Counties are divided into **four precincts** of roughly equal population that each elect a single commissioner.
- The **county judge** is the presiding officer of the court and can be thought of as the CEO or chief administrator of the county. They are elected countywide by voters in all four precincts.



What do they do?

Commissioners courts and county government are responsible for lots of things within the county, including:

- **Passing ordinances (local laws)**
- **Building & maintaining roads, bridges, and other infrastructure**
- **Setting the county's budget and tax rate**
- **Setting salaries and benefits of county employees**
- **Holding elections and registering voters**
- **Overseeing law enforcement & the court system**
- **Providing health & safety services**
- **Providing emergency management & response**
- **Collecting property taxes**

While some functions of county and city government may overlap, especially in larger cities, counties are much more limited in what they can do. This is because counties' powers are explicitly defined in the Texas Constitution and other state laws, whereas cities have broader ordinance-making powers granted by their own charter or by the state.

When do they meet?

When the court meets varies by county, but typically commissioners courts meet **weekly** or **every other week**. They may also hold special meetings or public hearings as needed. A commissioners court typically meets in the county courthouse or an annex building nearby. The county courthouse is located in the county seat, a city that acts as the "capital" of the county.

The Texas Open Meetings Act (OMA) requires meetings of governmental bodies to be open to the public, except in very specific situations where closed sessions are allowed. Commissioners courts may hold part of their regular meeting in private, which is called going into **executive session**. Specific information about when and where the court meets can typically be found on the county's website, and meeting agendas are often posted online at least three days in advance. Texas law makes no requirement for citizenship or residence status to attend or testify at these meetings.

How do they pass laws?

Typically, commissioners courts go through the following process to pass ordinances:

- 1. County judge and/or commissioners place items on the meeting agenda**
- 2. Each item is presented during a meeting of the court**
- 3. Public comment on that item is heard**
- 4. Items are discussed by the court**
- 5. A vote is taken by the court**

Usually a simple majority (3/5) is needed for a law to pass

Per the OMA, all votes must be taken publicly, meaning that even if something is deliberated in an executive session, any further action taken on that item must occur in an open meeting.

It usually takes a while for an idea to become law, but once the ordinance has passed, it can be implemented pretty quickly. It may be set to take effect immediately or within a couple of weeks, but this varies depending on the issue and the county.

How to get involved

Testify at meetings and public hearings

- Members of the public, regardless of citizenship status or county of residence, have the **right to comment** on agenda items at open meetings of the court. This is a great way to let the court know where you stand on an issue before they vote on it.
- Many counties designate a separate general public comment period where members of the public can speak about any topic they wish, regardless of whether or not it relates to an item on the agenda. This can be a great time to bring an issue to the court's attention and encourage future discussion on the matter.
- Commissioners courts can also schedule separate public hearings to present information and solicit comments on any given issue, and some public hearings are required by state law, for example on the annual county budget.
- Each county has their own rules for **how to sign up, how long** you can speak, and whether you may be able to testify **remotely**, so it's a good idea to call or check your county's website ahead of time.
- Remember, your elected officials work for you and it's their job to take their constituents' views and opinions into account when forming public policy. Speaking before the court is a great way to let them know what's important to you and what issues the county should address.

How to get involved



Contact your county judge and commissioners directly

- You can usually call, email, and/or request a meeting with members to discuss an issue in depth, provide your expertise, and share why it's important to you and your community. During official commissioners court meetings, members can only discuss and take action on topics that are on the agenda, so this is likely the best way to get your cause on a future agenda!

Participate at meetings in other ways

- Organize a group to attend when important issues are on the agenda. Whether you testify or not, wearing matching attire and attending as a group can demonstrate that there's popular support for your position. Signs and posters may or may not be allowed in the courtroom depending on the county.
- Each county has rules regarding permissible actions and behavior at commissioners court meetings and on county property. These can be found on their website or by calling the county clerk's office. Generally, threatening or offensive language, loud booing, yelling, or applause, and any type of physical

interruption of meetings are prohibited and may be grounds for removal or, in some cases, even arrest and prosecution. Familiarizing yourself with these policies and potential consequences can be helpful as you plan your advocacy efforts.

Organize a protest, rally, or other action

- County facilities are public buildings and members of the public have the right to peacefully assemble. Blocking pedestrian or vehicular traffic and access to doorways may be prohibited, so it's a good idea to check your county's permitting procedures, understand potential risks and consequences, and to **know your rights** ahead of any action you plan to organize or participate in.

Other ideas

- Start a petition, create email or social media campaigns, reach out to local press, write a letter to the editor or an op-ed, etc. Be creative!

Additional Resources

Who Are County Officials? - <https://texascountiesdeliver.org/county-officials/>

What Do Counties Do? - <https://texascountiesdeliver.org/county-services/>

Texas County Info & Websites

<https://imis.county.org/iMIS/CountyInformationProgram/TexasMapCIP.aspx>

Texas Constitution, Article 5: Judicial Department -

<https://statutes.capitol.texas.gov/Docs/CN/htm/CN.5/CN.5.18.htm>

Texas Election Code -

<https://statutes.capitol.texas.gov/Docs/SDocs/ELECTIONCODE.pdf>

Contact Us

We're here to help! Send us an email at info@texascivilrightsproject.org if you have more questions about navigating state and local government or making change in your community.