



OFFICE OF
SYLVIA GARZA-PEREZ
CAMERON COUNTY CLERK

P.O. BOX 2178
Brownsville, Texas 78520

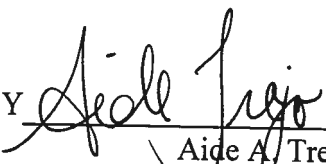
THE STATE OF TEXAS ' ,

COUNTY OF CAMERON ' ,

I, Sylvia Garza-Perez, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Cameron County, Texas, do hereby certify that the attached and foregoing is a full, true and correct copy of the Agenda Item regarding **"CONSIDERATION AND APPROVAL OF A RESOLUTION SUPPORTING GALVESTON COUNTY ON THE MATTER OF THE LIMITATIONS ON A DISTRICT COURT'S AUTHORITY OVER MATTERS PROPERLY ENTRUSTED TO COUNTY COMMISSIONERS COURTS STATEWIDE"**, considered and **APPROVED** on September 24, 2015, as it appears on, Record in the Minutes of said Court. In testimony whereof, witness my hand and the Seal of said Court at Office in the City of Brownsville, Texas, this 7th day of October, 2015.

SYLVIA GARZA-PEREZ
County Clerk and Ex-Officio
Clerk of the Commissioners' Court

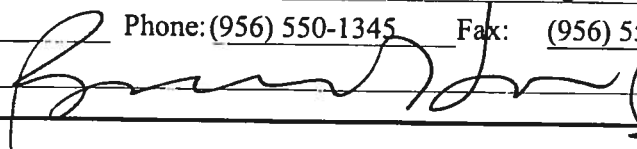


BY 
Aide A. Trejo
Deputy Clerk

**Cameron County Commissioners' Court
Agenda Request Form**

2015 RO9058

No. 3-I

Date: September 14, 2015 Meeting Date Request: September 24, 2015
Deadline for Action: _____ Contact Person: Bruce W. Hodge, Chief Legal Counsel
Department: Civil Legal Division Phone: (956) 550-1345 Fax: (956) 550-1348
Dept. Head/Official Signature: _____ 

Caption: DISCUSSION:

CONSIDERATION AND APPROVAL OF A RESOLUTION SUPPORTING GALVESTON COUNTY ON THE MATTER OF THE LIMITATIONS ON A DISTRICT COURT'S AUTHORITY OVER MATTERS PROPERLY ENTRUSTED TO COUNTY COMMISSIONERS COURTS STATEWIDE.

Background: *(Briefly summarize your request, if needed use separate sheet(s) or attach supporting documentation).*

See attached letter from Galveston County Commissioner Ken Clark.

PLEASE FILL IN ALL BLANKS BY INITIAL OR PLACE N/A IF APPROVAL IS NOT APPLICABLE:

Approval:
County Judge N/A Auditor N/A Legal BWH Personnel N/A Purchasing N/A

Fiscal Data:
Dept/Fund No.: N/A Amt Expended: \$ N/A Funds/Staffing Budgeted: Yes N/A No N/A
Account Code: N/A Impact on Future Budget: Yes N/A No N/A

Comments:

Action taken by Commissioner's Court:

Approved _____ Tabled _____ Denied _____ Motion made by _____ Seconded _____ Vote _____



State of Texas §
County of Cameron §

Resolution No. 2015R09058

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 Government Code and Texas Local Government Code set 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 which provide the means for setting compensation for each such position; and

Whereas, the Texas Constitution grants district courts limited 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 assume supervisory authority over a county commissioners court and thereby usurp the constitutional authority given county commissioners courts as the chief executive and legislative body over county business, including budget matters, and county governmental affairs; and

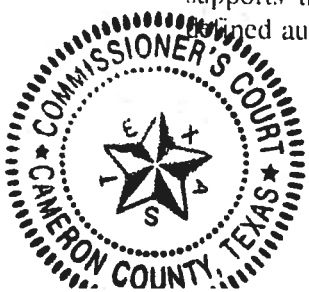
Whereas, a district court's inherent power to require the legislative and executive branches of government to provide essential staffing for the court to perform its judicial functions has long been recognized by the courts of Texas to be limited; and

Whereas, the county commissioners courts of Texas, are the primary authority responsible for setting annual budgets and the only authority for levying taxes on county residents to fund such budgets; 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 Cameron County, Texas supports the efforts of the Galveston County Commissioners Court to defend: (1) the well-recognized authority of county commissioners courts in budget matters within each county; and (2)

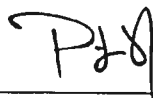


constitutional principles of due process and separation of powers applicable to district court review of county commissioners courts' decisions; and

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

PASSED AND APPROVED by the Commissioners Court of Cameron County on this the 24th day of September, 2015.

Commissioners Court of Cameron County, Texas



PETE SEPULVEDA, JR.
COUNTY JUDGE



SOFIA C. BENAVIDES
COMMISSIONER, PCT. 1



DAVID A. GARZA
COMMISSIONER, PCT. 3



ALEX DOMINGUEZ
COMMISSIONER, PCT. 2



DAN A. SANCHEZ
COMMISSIONER, PCT. 4

Attested by



Sylvia Garza-Perez, County Clerk

