



**EL PASO COUNTY COMMISSIONERS COURT**  
**UNIFORM RULES AND PROCEDURES FOR COUNTY BOARDS**

**Adopted Date: February 6, 2017**

**I. Purpose**

From time to time Commissioners Court establishes County boards to inform Commissioners Court under statutory authorization or on particular issues or subjects of interest to the County. It is in the best interest of the County that these County boards, commissions, or committees are appointed, organized and governed within a uniform framework of consistent County policy to ensure uniform rules and procedures and compliance with applicable laws.

**II. Uniform Rules and Procedures**

- a. **APPLICABILITY:** These rules and procedures shall apply to and control all County governed advisory committees, boards and commissions (herein for convenience referred to as “County boards”), except as otherwise provided by or pursuant to the law, resolution, or order under which the County board is established. This policy does not apply to certain committees, boards and commissions of the County that have independent legal status as separate governmental entities.
- b. **LIMITATION ON AUTHORITY:** Unless otherwise authorized by law that specifically provides for the establishment and function of a particular County board, County boards generally shall have no executive, administrative, or operational functions. Their function shall be solely to study and make recommendations to Commissioners Court within the scope of the subject matter specified in the statute, resolution, or order establishing them, or as specifically referred to them by Commissioners Court. County boards shall not be empowered, nor assume by their appointment to be empowered, with authority on behalf of the County to decide matters of County policy; oversee or enter into any contract; procure materials or services; recruit, hire, direct, manage, review or terminate staff, or involve themselves in any other way in personnel matters; seek, inquire about, or negotiate regarding the purchase, sale or lease of property. Individual County board members or the County board may not use the County board as a vehicle for political activity or to engage in political activity such as lobbying or campaigning on an issue. A County board may, as a body, take a position on certain issues as long as the issue is aligned with the County board’s mission and purpose as set by Commissioners Court or

by law. County boards shall not have, nor assume to have, any authority to raise funds or solicit revenues, nor to incur indebtedness, nor to expend County resources of any type. Any resources necessary for the support of a County board's meetings shall be approved by Commissioners Court as part of the departmental budgetary process. Commissioners Court shall specifically approve any other special or extraordinary expenditures requested by a County board.

- c. **SCOPE OF INTEREST:** The scope of each County board's interest and activity shall be limited to that specified in the law, resolution, or order establishing or providing for the County board. If not so specified, the scope shall be as indicated by the title of the County board and directive from Commissioners Court.
- d. **DURATION:** In proposing establishment of a County board, the proponents shall consider the duration necessary for the County board to accomplish its mission in light of the County board's purpose and scope. In instances where it is not justified that a County board exist indefinitely, the Board shall include a sunset clause in the document establishing the County board specifying a definite sunset date. Where applicable, existing County boards whose establishing documents do not contain sunset clauses shall have such clauses added either at the next convenient opportunity, or upon policy review of all County boards. Once such a sunset date occurs, a County board shall be considered dissolved and shall cease to meet unless or until an extension of time and a new sunset date is approved by Commissioners Court.
- e. **STRUCTURE:** The number and qualifications of members, the method of their nomination and appointment, and their terms of office should normally be set forth in the statute, resolution, or order providing for or establishing the County board. If not so specified, provisions shall be as follows:
  - i. **Number.** The number of members shall be five.
  - ii. **Length of Terms.** Terms of appointment for each appointee shall be for two years, except that a majority of the members first appointed shall be appointed for half the term of the remainder of the members. The appointments made by the office of County Judge, Commissioner Precinct 2, and Commissioner Precinct 4 are the appointments who are appointed for half the term. Appointment to a vacancy due to resignation or death shall be for the remainder of the term of the appointee's predecessor.
  - iii. **Residence Requirements.** Commissioners Court shall make their best effort to nominate and appoint persons who are both registered voters and either reside or own businesses within El Paso County. In the event an appointee no longer resides or owns a business in

the County, it is that appointee's responsibility to notify the appointing office and the board liaison of their County board in writing.

- iv. Age Requirements. Appointees shall be at least the age of eighteen at the time of appointment.
- v. Appointment Procedure. Where seats are appointed by individual members of Commissioners Court, members of Commissioners Court may nominate, screen, interview and recommend for appointment eligible persons in the manner practiced by the County, which includes screening by Human Resources regarding the candidate's background and for meeting any County board specific requirements. Where seats are appointed by Commissioners Court as a body, the Court may:
  1. appoint two of its members to select a candidate;
  2. conduct a selection process for the entire body to select and appoint members; or
  3. determine an alternate method to perform the selection. This alternate selection process will be determined by Commissioners Court through official action at a meeting of Commissioners Court.
- vi. Vacancies. A vacancy shall exist under the following conditions:
  1. The expiration of a term;
  2. The written resignation, death or loss of residence requirements of an incumbent;
  3. When a member fails to attend three consecutive meetings of the County board, such absence is not excused by the County board, those facts are reported by the board liaison of the County board to the Commissioners Court, and Commissioners Court declares the vacancy. Vacancies shall be filled for the unexpired term of the prior incumbent. If more than one vacancy exists, the appointing authority may specify the vacant position and term being filled by each appointee. Otherwise, the longest unexpired term shall be filled by the person first appointed, and in successive order to the shortest term.
- vii. Reappointment. To encourage varied citizen participation in County boards, Commissioners Court shall generally seek new appointees to replace individuals who have served for eight consecutive years. Commissioners Court retains the discretion to reappoint individuals regardless of the length of time served on any County board.
- viii. Removal of a member. County boards that have been appointed to serve in a County created advisory board and that is not authorized to be created by statute serve at the pleasure of the appointing authority. Members of County boards who are appointed by the Commissioners as authorized by statute may be subject to removal under specific circumstances as provided by law.

f. COUNTY ADMINISTRATION

- i. Coordination. County Administration shall prepare and maintain information clearly and concisely summarizing the purpose, scope, history and sunset dates of Commissioners Court's various County boards. County Administration shall also maintain and update a master list of all appointees to each County board, including the history of each appointment and the expiration dates of their terms.
  - ii. Notification.
    1. County Administration is responsible for notifying members of Commissioners Court of the dates when appointees' terms expire, and of any vacancies as they arise.
    2. County Administration is responsible for notifying applicants and County board members of their current status of service to the County board, such as non-selection, selection, and term dates and expirations.
  - iii. Policy Review. By November of each even-numbered year, County Administration shall prepare and forward to Commissioners Court an updated summary of Commissioners Court appointed County boards for policy review, including a listing of any County boards whose sunset dates will occur within the subsequent two year period. County Administration shall return to Commissioners Court by the end of December that year with recommendations regarding each County board, including recommendations regarding any County board scheduled to sunset.
  - iv. Initial Training. For all County board appointments and reappointments, County Administration will coordinate training on the Texas Open Meetings Act, Public Information Act, and County Ethics Code. County Administration will use the County training system to report and track training compliance. The assigned Board Liaison will be notified once training compliance has been met for each board member.
- g. BOARD LIAISON: Each County board will be related to or affiliated with a specific county department. The head of that department, or designee, shall serve as Board Liaison to the County board. The Board Liaison shall be responsible for ensuring the carrying out of the duties of that office outlined below, as well as serving as a non-partisan, non-voting guiding facilitator during meetings.
- h. LEGAL REPRESENTATIVE: Each County board will be assigned an assistant county attorney to advise the board on matters of law. The legal representative shall be responsible for providing non-partisan, non-voting guidance on legal restrictions, authorities, and any consequences from County board actions.

- i. **ELECTED OFFICERS:** Each County board shall choose a chair and a vice chair. This shall be done at least annually at the first meeting on or after July 1. The Vice Chair shall preside in the absence of the chair. Elected officers serve at the pleasure of the remaining members, who may remove them as officers at any time by affirmative vote of a quorum. In the event the chair vacates that office for any reason, the vice chair automatically assumes the office of chair, and shall call for placement of an agenda item at the next meeting of the County board for an election to fill the office of vice chair.
  
- j. **DUTIES:** Aside from executing official correspondence of the County board, the elected officers of a County board shall have no authority to act independently from the County board. The duties of the officers and members generally are as follows:
  - i. **Chair.** It is the responsibility of the chair to: (1) Be thoroughly familiar with the County board's rules of order, by-laws, enabling resolutions, or State law and relevant County policies, practices, protocols and procedures, including this policy; (2) Inform the members, when necessary or referred to for that purpose, on pertinent points of order or practice; (3) Open and call official meetings of the County board to order; (4) Recognize members entitled to the floor; (6) Expedite business in every way compatible with the rights of the members; (7) Restrain members engaged in debate within the rules of order; and, (8) Enforce on all occasions the observance of civility, order and decorum among the members and others in attendance.
  - ii. **Vice Chair.** It is the responsibility of the vice chair to preside in the chair's absence. In cases of the chair's illness, resignation, or death, the vice chair of a County board is first in line to assume the office of chair for the remainder of the unexpired term. County boards should nominate and elect a vice chair who is both competent and willing to perform the duties of the chair.
  - iii. **Board Liaison.** It is the responsibility of the Board Liaison to: (1) Keep the official records of the County board; (2) Record in the formal minutes the actions of the group; (3) Keep a roll of the members and call roll when required; (4) Post notice of public meetings in accordance with the Texas Open Meetings Act; (5) Format, compile, prepare, post and distribute meeting agendas and materials to the members of the County board; (6) Post signage for meeting locations; (7) Announce the business of the day; (8) State, call for and put to vote all questions moved or necessary in the course of the proceedings, and to announce the results of the vote; (9) Conduct correspondence for the group as necessary and appropriate; (10) Maintain in good order the County board's rules of order, by-laws, enabling statute or order; (11) Be familiar with relevant regulations, policies, practices, protocols and procedures, including this Policy, as may be amended from time to time in the conduct of County

business; (12) Enter requisitions, make purchases following County procurement procedures, and monitor and maintain any budgeted funds for the County board; (13) Provide County board specific training and an orientation for all newly appointed County board members; and, (14) Provide guidance and information to the County Board.

- iv. Members. It is the responsibility of each appointee to County boards to respect and uphold County policies, practices, protocols and procedures. It is the responsibility of each appointee to conduct themselves at all times with appropriate civility, respect and decorum, mindful that their conduct before the public reflects upon the integrity of the County and Commissioners Court. Members should keep their appointing member of Commissioners Court apprised of the County board's activity and any significant matters before the County board.
- v. Representation. A County board, its officers, or the members of a County board, shall not represent the County to any state, county, city, special district or school district, agency or commission, nor to any other organization or members of the public, on any matter unless specifically authorized to do so by Commissioners Court.
- vi. Public Information Act Requests. Requests for records of a County board must be forwarded to County Administration and the County Attorney's Office within 24 hours of receipt for coordination of a timely and appropriate response to a request. All related records in the possession of the County board, the Board Liaison, or any County board member will be forwarded to County Administration and the County Attorney's Office as soon as possible, but no later than four business days after receipt of the request.
- vii. Media Relations. County boards, their officers, and their members shall coordinate in advance through the appropriate designee within the Chief Administrator's Office all contacts with the press and any press releases. County boards, their officers and their members shall refer all inquiries by the press regarding County operations, events or other County business to the appropriate County staff.

k. MEETINGS.

- i. Location. In order to assure the safety of and consistent accessibility by the public, County boards shall establish by standing order one or two locations at which to hold their regular meetings. These locations shall be within the County of El Paso and on the grounds of publicly maintained facilities, such as County offices or facilities, public libraries, or public schools. Meetings of County boards should not be held in any location or facility that requires, or which good manners would imply, that attendees purchase goods or services (including meals or refreshment) as a condition of attending the meeting, unless with the prior unanimous consent of the County board and the

concurrence of the Board Liaison with which they are affiliated. No one attending such a meeting of a County board shall be compelled, nor made to feel compelled, to patronize the establishment before, during or after the meeting. All meeting locations must meet the safety and accessibility requirements stated below.

- ii. Safety and Accessibility. In the conduct of County business it is the goal of Commissioners Court to assure, as far as possible, safe, accessible and healthful working conditions for County staff, members of County boards, and the general public. Consequently, all regular and special meetings of County boards and their subcommittees shall be held at such locations and in such a manner to assure the safety of and provide the greatest possible accessibility feasible to all attendees. This includes adequate and accessible parking, accessibility from parking to the meeting rooms, adequate and accessible restroom facilities available to both men and women, and meeting rooms of adequate size and seating with multiple exits easily accessible and available in an emergency to all attendees. No person shall be allowed to stand or sit in such a way that blocks doorways or exits. Smoking in the meeting room of any County board is strictly prohibited before, during and after County board meetings.
- iii. Date and time. Each County board shall establish by standing order dates and times for their regular meetings, which should be at least quarterly, but no less than once annually. County boards shall choose dates and times to avoid conflicts with county holidays and other official standing meetings of the County that would prohibit or limit participation. Meetings shall begin promptly at, but no sooner than, the publicly noticed meeting time.
- iv. Rules of order and procedure. Robert's Rules of Order may be used as a general guide for the conduct of County boards. When necessary for orderly conduct, a County board may outline specific rules of order and procedure in their by-laws.
- v. Quorum. A quorum shall consist of a majority of the total number of members of the County board established by Commissioners Court, whether filled or vacant. Any action of the County board shall require affirmative votes of not less than a quorum and such vote must be taken in an open meeting. Voting or other action is not allowed in closed meetings (executive session), through a proxy, by telephone, electronically (email, text, etc.), or in any other method outside of an open meeting. A County board cannot give consent or take any official action when a quorum is not present. Formal actions taken when a quorum is not present are not valid. If a quorum is not present at the noticed meeting time, the chair or vice chair shall wait a few minutes before calling the meeting. The only business a County board shall transact in the absence of a quorum is to:
  1. Take measures necessary to obtain a quorum;
  2. Fix the date and time to which to reschedule the meeting;

3. Adjourn or take a recess; and/or,
  4. Postpone the entire agenda to the next meeting.
- vi. Agenda. The Board Liaison shall be responsible for formatting, compiling, preparing, posting and distributing the agenda of each meeting of a County board in accordance with the Texas Open Meetings Act. Except in case of emergency, meeting agendas must be posted at least 72 hours prior to the meeting time. The agenda shall contain the following elements in the simplest format possible to communicate most efficiently and effectively with the public: (1) The name of the County board; (2) The date, time and place of the meeting; (3) A sequentially numbered list of brief specific descriptions of each item of business to be transacted or discussed at the meeting. In order to facilitate efficient compiling and preparing of the agenda and agenda packet, and subsequent preparation of the meeting minutes, the Board Liaison may choose to establish forms and formats in which submittals to the agenda must be made.
  - vii. Closed sessions. There should be limited circumstances in which a typical County board will need to hold closed sessions as provided for under the Texas Open Meetings Act. Any County board having such a need must adhere strictly to the provisions of the Act in conducting such meetings when so authorized and approved as to legal form by the County Attorney's Office.
  - viii. Abstentions. If a County board is unable to make a decision on any matter when presented because of an abstention vote, the County board shall postpone consideration of the matter until their next meeting.
  - ix. Conflicts of interest. In the conduct of County business, a County board member who has a financial, economic or direct personal interest in a governmental decision before them, upon identifying a conflict of interest or potential conflict of interest, immediately prior to consideration of the matter shall:
    1. Publicly identify the financial, economic or direct personal interest that gives rise to the conflict of interest or potential conflict of interest in sufficient detail to be understood by the public, except that disclosure of the exact street address of a residence is not required; and,
    2. Recuse themselves from discussing, voting and officiating on the matter; and,
    3. May be requested to leave the room until after the discussion, vote, and any other disposition of the matter is concluded; and,
    4. Notwithstanding the above, may speak on the issue in the same manner as a member of the audience during the time that the general public speaks on the issue.



No County board member shall in any way make, participate in making, nor use their appointment to influence the making of a governmental decision in which they have, or have reason to know they have, a financial, economic or direct personal interest. Governmental decisions include, but may not be limited to, decisions of the County board on which they serve, of county staff, or of Commissioners Court.

- x. Minutes. The Board Liaison shall be responsible for taking, preparing and keeping the formal written minutes of all meetings. The minutes shall contain the following elements:
  - 1. The kind of meeting (such as regular or special);
  - 2. The name of the County board;
  - 3. The date and place of the meeting;
  - 4. The fact of the presence and names of the members and the chair presiding and the board liaison, or their substitutes;
  - 5. Whether the minutes of the previous meeting were approved;
  - 6. Points of order and all motions including the name of the maker and seconder of the motion and the votes, including the names of those voting against and abstaining; and,
  - 7. The times the meeting started and adjourned.

In consideration of the use of County resources and in keeping with recognized rules of order, transcriptions of the deliberations or discussions of a meeting shall not be required as part of official meeting minutes. The Board Liaison shall forward a copy of the minutes to County Administration promptly after the minutes are prepared and signed by the Board Liaison; it shall not be necessary to await approval of the minutes by the County board.

- xi. Public communications. Any member of the public wishing to speak to a County board on an agenda item before a vote is taken may notify the Board Liaison in writing of their request to speak. Any member of the public may also speak to any County board during the time designated on the County board's agenda for oral communications from the audience. If they choose, they shall be allowed to communicate with assistance, such as with a translator. The chair may use discretion in limiting the time allotted to each speaker as necessary to maintain order and/or expedite the business of the County board. Any member of the public may also submit comments in writing on any agenda item before a vote is taken.
- xii. Public Inquiries. Within the provisions of the Texas Open Meetings Act, a County board may briefly respond to comments or inquiries about a subject for which notice has not been given as required under the Act. Allowed responses are:

1. A statement of specific factual information given in response to the inquiry; or
2. A recitation of existing policy in response to the inquiry.

Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

- xiii. Decorum. The chair of a County board shall maintain order and decorum in the conduct of public business while a meeting of a County board is called to order.

I. REPORTS AND RECOMMENDATIONS:

1. Reports. Each County board shall by June 30 of each year file with Commissioners Court an annual report of its activities, may file a special report whenever the County board deems it desirable to do so, and shall file a report when requested to do so by Commissioners Court. County boards subject to sunset clauses shall prepare and file a final report to Commissioners Court in advance of their specified sunset date. All reports shall be submitted through County Administration for placement on Commissioners Court's agenda.
2. Recommendations. The recommendations County Boards wants Commissioners Court to consider for official action shall be submitted through County Administration for placement on Commissioners Court's agenda. The recommended motion shall be the motion formally approved by the County board. County departments or agencies shall retain the right to include an alternate recommendation for Commissioners Court's consideration. In instances where the staff recommendation differs from the County board's, staff shall notify the County board of the alternate recommendation and time/date that Commissioners Court will consider the matter.

- m. FORMAL COMMUNICATIONS: Formal communications from any County board to Commissioners Court shall be dated and signed by an officer of the County board, and shall fairly and accurately represent the position and/or sentiments of the County board as formally reflected in their meeting minutes.

- n. COMPENSATION AND EXPENSES: Each member shall serve without compensation or reimbursement of expenses unless otherwise provided in accordance with statute, ordinance or resolution authorizing the same and specifying the details thereof.

- o. **DISSOLUTION:** Should it be determined a County board does not function consistent with the procedures set forth in this resolution, or any subsequently adopted rules, resolutions, ordinances or laws, Commissioners Court may, at any time and in its sole discretion, dissolve the County board by resolution. A County board with a sunset clause shall dissolve automatically upon their specified sunset date unless Commissioners Court amends their sunset clause to extend their sunset date in advance.
- p. **TRAINING REQUIREMENTS:** All members of a County board upon appointment and reappointments will undergo training before participating in board activities, including voting in or being counted in attendance for a board meeting. Training will include, but is not limited to: Open Meetings Act, Public Information Act, and County Ethics Code. These trainings will be coordinated by County Administration. Specific County boards may have additional training requirements before an appointee is able to participate, which will be coordinated through the County board liaison.
- q. **BY-LAWS:** County boards are not required to adopt by-laws. Any by-laws which a County board adopts shall contain the provisions for rules of order and procedure governing the functions of the County board, and shall neither duplicate nor conflict with the rules contained in this policy, nor with any statute, ordinance or resolution providing for or establishing the County board or governing its conduct. The by-laws adopted by any County board shall be reviewed and approved as to legal form by the County Attorney's Office and submitted to the Board Liaison for approval by Commissioners Court. In instances where existing County board by-laws, policies, or procedures are inconsistent with this policy or any other county policy, and are not required by statute, this Policy shall take precedence. If a County board does not adopt by-laws, they shall refer instead to this Policy.