

THE STATE OF TEXAS §
 §
 COUNTY OF FORT BEND §

**RESOLUTION ON GALVESTON COUNTY LITIGATION TO UPHOLD
 FUNDAMENTAL PRINCIPLES FOR THE ORDERLY CONDUCT OF
 COUNTY BUSINESS**

On this the 13 day of October, 2015, at a regular meeting of the Commissioners Court of Fort Bend County, Texas, sitting as the governing body of Fort Bend County, Texas upon motion of Commissioner Meyer, seconded by Commissioner Probst, duly put and carried;

Whereas, the Texas Constitution and 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 Local Government Code sets 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 requires commissioners court approval of both the creation of, and compensation for, each such position; and

Whereas, the Texas Constitution grants district courts 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 invoke its own supervisory authority over a commissioners court, and that a lawsuit challenging an action of the commissioners court is required to invoke such authority; 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 subject to principles of due process; and

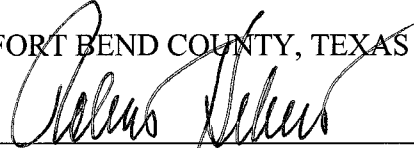
Whereas, the county commissioners courts of Texas, as the sole authority responsible for setting annual budgets and assessing taxes on county residents to fund such budgets, are the appropriate bodies for making decisions of a budgetary nature within each county; and

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 Fort Bend County, Texas supports: (1) the well-defined authority of county commissioners courts in budget matters within each county; and (2) principles of due process applicable to district court review of county commissioners courts' decisions.

FORT BEND COUNTY, TEXAS



Robert E. Hebert, County Judge

ATTEST;



Laura Richard, County Clerk

