

PUBLIC COMMENTS

October 24, 2023

Good morning, Claire Nybro, Burnet County voter and taxpayer. Today my public comments will focus on Item #4 on today's agenda.

Some background information is necessary for the public in the courtroom today.

Judge Oakley first put the issue of changing the way public comments are handled on the October 10, 2023 Commissioners Court Agenda. He only wants public comments at the beginning of the meeting, which means that the public is no longer allowed to comment on agenda items while discussion by the commissioners is underway. This is a giant departure from the public comments policy set by the former Burnet County Judge in 2007, which stated "The public is also invited to participate in the discussions of agenda items." (see attached)

These rules are still in effect today.

A discussion on public comments occurred at the end of the meeting on October 10th, as the court was waiting for the arrival of Commissioner Luther, who did not show up before the meeting was adjourned. The motion to change public comments was withdrawn by Commissioner Dockery.

Even though an agenda item regarding changing the rules for public comments was moved to the end of the meeting on October 10th & was subsequently never voted on because the motion was withdrawn, Judge Oakley nevertheless enforced his proposed new rule change and acted as if it were already in effect. This was evident when he would not allow a member of the public to speak on Item #25 regarding a variance request, and, in fact, he strongly admonished that person not to test him.

During a recess on October 10th before the discussion on public comments, County Attorney Eddie Arrendondo told myself and another person that the rules had been changed at the "last meeting" (this would have been the September 26th meeting). How could this have happened when there has yet to be a vote to change the rules, as far as the public knows? Was there a secret vote about which the public was not notified? Is it legal for one person to change the rules when there are 4 other elected commissioners who also have a vote?

From a Public Information Request, it has been learned that Judge Oakley directed his administrative aide to change the wording in the Agenda in an email dated September 15, 2023 (see attached), ostensibly for the next meeting. He also says in the email chain that he doesn't want "certain citizens to take over."

It could be construed as though Judge Oakley is attempting to change the public comment policy so that the First Amendment rights of "certain citizens" will be suppressed. And that, ladies and gentlemen, is yet another huge problem for Burnet County.

**Rules of Procedure and Conduct
At Meetings of the
Burnet County Commissioners Court**

1. All Regular, Special, Emergency and Executive Session Meetings of the Burnet County Commissioners Court will be called and conducted in accordance with the provisions of the Texas Open Meetings Act, Chapter 551, Government Code.
2. Regular, Special and Emergency Meetings of the Burnet County Commissioners Court are open to the public and to representatives of the media. Executive Sessions of the Commissioners Court are not open to the public, the media, and only those individuals expressly requested or ordered to be present are allowed to attend Executive Sessions.
3. The Burnet County Commissioners Court meets in Regular Session on the second and fourth Mondays of each month at 9:00 am in the Burnet County Courthouse upstairs courtroom, 220 S. Pierce, Burnet, Texas. Regular Session meeting dates are set in September of each year.
4. In order for a matter or issue to appear as an agenda item on the Agenda of any Regular Meeting of the Commissioners Court, a request must be filed in writing with AND approved by at least one member of the Commissioners Court and/or the County Judge by 12:00 noon on the Thursday immediately preceding the next Regular Meeting of the Commissioners Court.
5. Agendas are posted 72 hours prior to meeting times. Agendas are available by contacting the Burnet County Court Coordinator at 512-715-5203.
6. The business of Burnet County is conducted by and between the members of the Burnet County Commissioners Court and by those members of the County elected officials, staff, department heads, consultants, experts and/or members of the public requested to be present and to participate.
7. It is the intention of the Court to provide an open access to the citizens of Burnet County to address the Commissioners Court and to express themselves on issues of County Government. Commissioners Court provides the public the opportunity to address the Court at the beginning of each meeting. There will be no discussion at this time. The public is also invited to participate in the discussions of agenda items.
8. Members of the public are reminded that the Burnet County Commissioners Court is a Constitutional Court, with both judicial and legislative powers, created under Article V, Section 1 and Section 18 of the Texas Constitution. As a Constitutional Court, the Burnet County Commissioners Court also possesses the power to issue a Contempt of Court Citation under Section 81.024 of the Texas Local Government Code. Accordingly, members of the public in attendance at any Regular, Special and/or Emergency Meeting of the Court shall conduct themselves with proper respect and decorum in speaking to, and/or addressing the Court; in participating in public discussions before the Court; and in all actions in the presence of the Court.
9. The County Judge is the presiding officer of the Burnet County Commissioners Court and is a fully participating member thereof. In the event of the absence of the County Judge, the senior member of the Commissioners Court (in terms of total number of years as an elected Commissioner) present at the Regular, Special, Emergency Meeting or Executive Session, shall serve as the Jude Pro-Tem of the Court. However, nothing

herein shall prevent the senior member of the Commissioners Court from delegating this duty to another member of the Commissioners Court.

10. The County Judge (or the designated Judge Pro-Tem), as presiding officer of the Commissioners Court, is responsible for conducting all meetings.
11. From time to time, the Commissioners Court shall conduct town meetings, public hearings or public workshops. These rules of procedure and conduct shall also apply to such meetings, however, the Commissioners Court may adopt such additional and supplemental rules for such meetings as may be necessary and appropriate to conduct such meetings in an orderly, efficient and proper manner.

These Rules of Procedure and Conduct at Meetings of the Burnet County Commissioners Court shall be effective immediately upon adoption by the Court and shall remain in full force and effect until amended or repealed by a majority vote of the Commissioners Court.

ADOPTED BY MAJORITY VOTE OF THE BURNET COUNTY COMMISSIONERS COURT on this the ____ day of _____, 2007.

County Judge, Donna Klaeger

Commissioner Pct 1, Bill Neve

Commissioner Pct 2, Russell Graeter

Commissioner Pct 3, Ronny Hibler

Commissioner Pct 4, Joe Don Dockery

Attest:

County Clerk, Janet Parker



Shelly Denton <sdenton@burnetcountytexas.org>

Fwd: Public comment agenda item

1 message

James Oakley <judgejamesoakley@gmail.com>
 To: Shelly Denton <sdenton@burnetcountytexas.org>

Mon, Oct 16, 2023 at 1:33 PM

James Oakley
 Burnet County Judge
 512-744-5205 cell & text
 judgejamesoakley@gmail.com

Sent from iPhone

Begin forwarded message

From: James Oakley <judgejamesoakley@gmail.com>
Date: September 15, 2023 at 2:40:25 PM CDT
To: Eddie Arredondo <earredondo@burnetcountytexas.org>
Cc: Stephanie McCormick <smccormick@burnetcountytexas.org>, Karin Smith <ksmith@burnetcountytexas.org>
Subject: Re: Public comment agenda item

My primary goal is to continue meeting the legal requirements of state law. I want to continue having a public comment agenda item. What I don't want is to continue to allow certain citizens to take over. That includes "back and forth" as described on page 6 #3, which advises to avoid.

Yes, I am aware that we cannot prohibit certain voiced opinions. I'll get with you next week.

James Oakley
 Burnet County Judge
 512-744-5205 cell & text
 judgejamesoakley@gmail.com

Sent from iPhone

On Sep 15, 2023, at 1:50 PM, Eddie Arredondo <earredondo@burnetcountytexas.org> wrote:

Judge,

I need to better understand your goal with the proposed changes in our rules. Are we to continue offering general public comment at the start of the meetings? It has been the tradition which should continue in my estimation. However, I know it is not required. If the comment is not on an agenda item posted, then no response can occur from the members of the court.

Having public comment occur on posted agenda items is required. It can occur at the start of the meeting or during the discussion of the agenda items. We have traditionally allowed this during discussion of an agenda item which allows for back and forth with members of the court. In my mind, this is the better procedure to follow. Are you wanting to no longer allow general public comment and solely allow for public comment on agenda items only? If so, are you wanting it to occur only at the start of a meeting and not during discussion?

I will say that any changes to our established practices is something that I believe should be voted upon by the court. While considering these changes, why not all procedures as shown in Appendix A of the TAC publication outlined below?

Whatever changes are or are not made to public comment, it is important to also specifically state that the commissioners court may not prohibit criticism of the court, criticism of any county act, omission, policy, procedure, program, or service.

I did not

From: James Oakley <judgejamesoakley@gmail.com>
Sent: Friday, September 15, 2023 12:27 PM
To: Stephanie McCormick <smccormick@burnetcountytexas.org>
Cc: Eddie Arredondo <earredondo@burnetcountytexas.org>; Karin Smith <ksmith@burnetcountytexas.org>
Subject: Re: Public comment agenda item

Opinions voiced during public comment can be addressed by court members during the agenda item. The presiding officer of the meeting can always exercise discretion as needed, but I want firmer yet lawful rules in place.

James Oakley

10/16/23, 1:47 PM

Burnet County Mail - Fwd: Public comment agenda item

Burnet County Judge
512-744-5205 cell & text
judgejamesoakley@gmail.com

Sent from iPhone

On Sep 15, 2023, at 12:00 PM, Stephanie McCormick <smccormick@burnetcountytexas.org> wrote:

So just a question... If the court can't comment or discuss anything back w/ the audience on the agenda items how do they get the r questions answered? I think they will be even more angry if they can't get answers, but just my two cents worth from listening to them these last 2 months.

Stephanie McCormick
Burnet County Administrative Director/Court Coordinator
Judge James Oakley
512-715-5276
New email : smccormick@burnetcountytexas.org

WE ARE BACK TO IN PERSON HEARINGS. ATTORNEY AND CLIENT ARE EXPECTED TO BE PRESENT FOR THE HEARINGS.

IF THIS IS A PROBATE HEARING MATTER, PLEASE RESPOND WITHIN 24 HOURS SO THAT WE MAY CONTINUE TO GIVE OUT DATES AND TIMES TO OTHER ATTORNEYS. IF YOU NEED LONGER THAN 24 HOURS, PLEASE KNOW THAT YOUR DATE AND TIME MAY NO LONGER BE AVAILABLE AND YOU MAY NEED TO CALL FOR NEW DATE/TIMES.

On Fri, Sep 15, 2023 at 11:27 AM James Oakley <judgejamesoakley@gmail.com> wrote:

Stephanie-

Please edit the current wording for the agenda's public comment item to :

Public Comment - Pursuant to Texas Government Code 551.007 (b), any person may make comment on any item appearing on the agenda. Any comments made will not be addressed by the Commissioners Court during this agenda item. Public Comment is limited to two minutes per person.

Eddie - please review, my goal is to tighten up the rules. This was derived from :

5

10/16/23, 1:47 PM

Burnet County Mail - Fwd: Public comment agenda item

2022-Commissioners-Court-FAQ-
WEB

PDF Document 491 KB

James Oakley

Burnet County Judge

512-744-5205 cel. & text

judgejamesoakley@gmail.com

Sent from iPhone

6