

County Clerk

Dear Commissioners,

The purpose of my public comments today is ensure that the elected officials of the Burnet County Commissioners Court are fully aware of a recent change to the agenda item submission deadline for Commissioners Court meetings.

On Monday, July 28, 2025, at 8:18 a.m., an email was sent by the Court Coordinator notifying elected county officials and department heads that agenda items for the August 5, 2025 meeting must now be submitted by 5:00 p.m. on Tuesday, July 29—effectively providing less than 36 hours' notice of this deadline change. This abruptly deviates from the published submission deadline of noon on the Thursday before the meeting, as stated on the official Agenda Item Request Form published on the county website. It also raises concerns about transparency, authority, and compliance with the Texas Open Meetings Act.¹

The change was apparently made in anticipation of House Bill 1522, enacted by the 89th Texas Legislature (effective September 1, 2025), which requires agendas to be posted at least three business days prior to Commissioners Court meetings. While preparing for compliance with new law is important, the early implementation—without public discussion or formal court action—raises procedural concerns.

The following key issues are noted:

- **The Public Had No Notice.** This change was only communicated internally by email and was neither posted nor discussed in a public meeting.¹
- **Conflict with Published County Policy.** The official, publicly available Agenda Item Request Form lists Thursday at noon as the submission deadline. No vote has been taken to amend that procedure.²
- **Only the Commissioners Court Can Make This Change.** Under Texas law and Attorney General guidance, procedural rules must be formally adopted by the Court and cannot be unilaterally changed by administrative staff or the County Judge.³
- **The County Judge Facilitates but Does Not Dictate the Agenda or Proceedings.** While the County Judge presides over meetings and helps coordinate the agenda, each Commissioner retains the right to submit items. The Commissioners Court as a body bears the final legal responsibility for court actions and decisions.⁴
- **Potential Operational Impact.** This abrupt change could negatively affect county operations—particularly during the FY26 budget adoption process—by limiting officials' ability to submit agenda items in a timely manner, including those related to budget planning or approval. Such restrictions may hinder transparency, disrupt coordination, and impair informed decision-making.

This Notice is respectfully submitted to inform the Commissioners Court of this unilateral and *sua sponte* action taken by the presiding official, who implemented the procedural change on his own initiative—without a vote, discussion, or authorization from the Commissioners Court.

Such conduct encroaches upon each Commissioner's lawful authority and responsibilities as a member of the Court, undermines transparency, risks non-compliance with governing law, and threatens the accountability and effective operation expected of this body.

As the duly elected governing body, the Commissioners Court collectively bears ultimate legal responsibility for its proceedings, including oversight of procedural adherence and public transparency.

Each Commissioner has a fiduciary and statutory duty to ensure compliance with the Texas Open Meetings Act and other governing statutes, thereby safeguarding the public trust.

This notice is intended to ensure awareness of these concerns and their potential implications for legal compliance, good governance, and the preservation of open, transparent government.

Respectfully,

Patty Cope (Interested Person, Burnet County Voter and Taxpayer)

Footnotes:

1. Texas Open Meetings Act (TOMA), Tex. Gov't Code § 551.041 — Requires public notice of meeting agendas. See also Texas A.G. Opinion JC-0162 (2000).
2. Burnet County Agenda Item Request Form — Establishes Thursday at noon as the submission deadline.
3. Texas Local Government Code § 81.006 — Grants the Court exclusive procedural authority; AG JC-0162 affirms this.
4. Texas Constitution Art. V, § 18(b) and Local Government Code § 81.006 — Clarify the roles and limits of the County Judge and the Commissioners Court.

[Public Comments: BC Commissioners Court-05Aug2025]

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