

STATE OF TEXAS §

COUNTY OF HIDALGO §

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;

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;

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;

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;

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 limited;

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;

WHEREAS, in the matter of *The Hon. Lonnie Cox v The Hon. Mark Henry*, Cause No. 15CV0583, Galveston County, these fundamental principles for the orderly conduct of county business are at issue;

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 Hidalgo County, Texas supports the efforts of the Galveston County Commissioners Court to defend: (1) the well-defined 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 Hidalgo County, Texas urges other counties to support the Galveston County Commissioners County through appropriate means, such as resolutions of support and amicus curiae.

PASSED AND APPROVED by the Commissioners Court of Hidalgo County on the _____ day of April, 2016.

Commissioners Court of Hidalgo County, Texas

By: _____
Ramon Garcia, County Judge

A.C. Cuellar, Jr.
Commissioner, Pct. 1

Eduardo "Eddie" Cantu
Commissioner, Pct. 2

Joe M. Flores, Jr.
Commissioner, Pct. 3

Joseph Palacios
Commissioner, Pct. 4

ATTEST:

Arturo Guajardo Jr. County Clerk