

RESOLUTION NO. 2022-002

RESOLUTION ADOPTING PUBLIC COMMENT POLICIES AND PROCEDURES

WHEREAS, Brazoria Drainage District No. 4 (the "District") is required to comply with the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended (the "Act"); and

WHEREAS, in accordance with Section 551.007 of the Act, the Board of Commissioners of the District (the "Board") desires to allow and encourage members of the public to speak and provide public comment at public meetings of the Board during specifically allotted times, in accordance with the policies and procedures herein adopted (the "Policies and Procedures").

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Brazoria Drainage District No. 4 that the Policies and Procedures set forth herein are hereby adopted and such Policies and Procedures shall remain in effect until amended or revoked by further action of the Board.

Section 1: Purpose. The Board recognizes the importance of remaining open to the receipt of public comment on issues of concern to the Board and the District. Comments from the public very often prove invaluable as the Board deliberates upon specific matters and general issues which come before it in the course of business. However, in certain circumstances, uncontrolled or ill-timed public comment has the potential to interfere with the effective and efficient conduct of the business of the Board and can give rise to an unfair or unequal exchange of information. As a result, it is necessary to establish a consistent method for receiving public comment at Board meetings which provides for adequate access by the public and does not give rise to instances of unproductive or disruptive conduct during such meetings.

Section 2: Policy. It is the policy of the Board that any member of the public shall have a reasonable opportunity to be heard at all regular and special public meetings of the Board in regard to any and all matters that are relevant and germane to the District's affairs. Any member of the Board shall have the privilege of raising a point of order as to whether the subject matter to be presented by a member of the public is relevant and germane to the District's affairs to be considered by the Board.

Section 3: Procedures.

A. Anyone desiring to address the Board must register with the District Secretary and present a fully completed public comment form ("Comment Form"), a copy of which is attached hereto, to the presiding officer of the meeting or appointed staff member no later than five (5) minutes before the scheduled start of the public meeting.

B. The Board will provide a public comment period at the beginning of each open meeting of the Board (the "Public Comment Period"). A speaker may elect to offer comments during the Public Comment Period or during the Board's consideration of a specific agenda item, which election should be made in the submitted Comment Form.

C. Each speaker is limited to three (3) minutes. A member of the public who addresses the Board through a translator will be given six (6) minutes. Members of the public may comment only on those agenda items listed on the Notice of Public Meeting for the open meeting.

D. Members of the public must address the entire Board, not an individual Board member.

E. While a Board member may ask the speaker questions, responses by a Commissioner to a public speaker shall be confined to statements of existing facts or policy. The time used by a Board member to ask a question, or to respond to a question, will not be counted against the public speaker's time allotment.

F. In accordance with Section 551.042 of the Act, the Board may make a limited response to any inquiry from members of the public about a subject not listed as an agenda item, but no deliberation or decision making about the subject matter of the inquiry will occur at the meeting. Subject to the discretion of the Board, such matter may be placed on a future Notice of Public Meeting for a subsequent Board meeting.

G. Although the Board may not prohibit comments that are critical of the District or the Board, members of the public addressing the Board shall be civil in their language and presentation. If a member of the Board determines that a member of the public is acting in such a way to threaten or endanger members of the Board, the District's consultants, or any other member of the public present at the meeting, the presiding officer may rule the individual out of order and terminate further public comment from such individual. Nothing herein shall entitle a member of the public to engage in speech or public criticism that is otherwise prohibited by law.

H. Members of the public wishing to display visual aids or distribute literature during the meeting must contact the District's Administrative Assistant prior to the meeting in order to facilitate the orderly presentation of such information or materials.

Section 4: Non-Discrimination. It is the policy of the Board to act reasonably and not discriminate among members of the public on the basis of the particular views expressed, and it is the intent of the Board to apply and administer the Policies and Procedures in a nondiscriminatory manner.

Section 5: Interpretation. The Policies and Procedures set forth herein are not intended to set forth fixed, general principles to be rigidly applied. Rather, these tenants are to be utilized solely as guidance and should be applied only after taking into account the specific facts and circumstances of each particular instance where public comments are offered to the Board. The Board may accept additional public comment at variance with this policy in the event that the Board determines that good cause to accept additional comment has been shown. The Board reserves the right to waive these Policies and Procedures when necessary to conduct Board meetings more efficiently and effectively. Nothing in the Policies and Procedures should be interpreted to affect or alter any Notice of Public Meeting established by the Board, nor shall any element of the Policies and Procedures be construed to extend a public hearing record that has closed by its own terms.

Section 6: Prior Policies. Any resolutions, and amendments thereto, heretofore adopted by the Board adopting public comment policies and procedures shall be and are hereby revoked as of the date of this Resolution.

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PASSED AND ADOPTED ON THIS 12th day of JULY, 2022.

BRAZORIA DRAINAGE DISTRICT NO. 4

By: 

Chairman, Board of Commissioners

ATTEST:

By: 

Secretary, Board of Commissioners

(SEAL)

BRAZORIA DRAINAGE DISTRICT #4

PUBLIC COMMENT FORM
OPEN MEETING DATE: _____

To address the Drainage District Board of Commissioners, this form must be filled out and turned in 5-minutes prior to the beginning of the meeting.

Please provide your name, address, & phone number and fill out the information at the bottom of this page. This request form must be turned into the presiding officer of the meeting or the appointed staff member, no later than 5-minutes before the start of the meeting.

Speaker Request

I wish to address the Board during the Public Comments section and agree to follow the District's rules for Public Comments.

Name: _____

Address: _____

Phone: _____

Please provide a brief description of the topic you wish to address below:
