

**CHAPTER 10 - COMMISSION MEETINGS**

**§§10.1 - 10.9**

**Effective March 27, 2003**

**§10.1. Commission Meetings.**

(a) The commission shall meet as necessary for the conduct of business including special meetings, at times and places in the state necessary for the performance of the commission's duties. The commission is subject to Texas Water Code, §5.058 and the Open Meetings Act, including any existing or future exceptions that may be provided by law.

(b) The chairman shall preside at all commission meetings. The chairman may designate another commissioner to preside in his or her absence.

Adopted May 8, 1996  
Derived from §261.6

Effective June 6, 1996

**§10.2. Conduct and Decorum in Commission Meetings.**

(a) Persons who attend or participate in a meeting should act in a manner that is respectful of the conduct of public business, and conducive to orderly and polite discourse.

(b) All persons shall comply with the chairman's directions concerning the offer of public comment, and conduct and decorum. Before the meeting, any person who wishes to speak should complete a public participation form and deliver it to the chief clerk's representative at the meeting.

(c) Persons who have special requests concerning a presentation during a meeting shall make advance arrangements with the chief clerk. A special request includes:

(1) the presentation of audio or video recordings;

(2) the need to move furniture, appliances, or easels;

(3) alternative language interpreters; or

(4) auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, large print, or braille. The chief clerk shall consult with the general counsel on such requests.

Adopted May 8, 1996  
Derived from §261.14

Effective June 6, 1996

**§10.3. Deadline to File Comments on Matter Set for Commission Meeting.**

The commission or the general counsel may set deadlines for filing written comments on matters set for a commission meeting. The general counsel, either by agreement of the interested persons and any judge assigned to the matter, or on the general counsel's own motion, may extend a filing deadline.

Adopted May 8, 1996  
Derived from New

Effective June 6, 1996

**§10.4. Continuance or Remand of Matter Set for a Commission Meeting.**

(a) The chairman may continue a matter scheduled for a commission meeting from time to time and from place to place.

(b) Motions for continuance shall be in writing or stated on the record. The general counsel, either by agreement of the parties and any judge assigned to the matter, or on the general counsel's own motion, may reschedule the presentation of a matter at a commission meeting.

(c) If the time and place for the meeting to reconvene are not announced at the meeting, the chief clerk shall send notice of the rescheduled meeting date to the parties in a contested case no later than ten days before the rescheduled meeting. The parties may agree to waive the notice requirement.

(d) The general counsel may remand a matter from the commission's agenda to the executive director if the executive director or the public interest counsel requests a remand.

Adopted April 7, 1999

Effective April 29, 1999

**§10.5. Preparation of Draft Order.**

If the commission or general counsel request a party to prepare a draft order to reflect the commission's action concerning a contested case, the party should attempt to reach an agreement among the parties on the form of the draft order. A written explanation of the parties' positions on the form of the draft order shall accompany the filed draft order.

Adopted May 8, 1996  
Derived from New

Effective June 6, 1996

**§10.6. Execution of Orders Showing Action Taken at Commission Meetings.**

The chairman or a commissioner may sign written orders to show actions taken by the commission at a meeting if he or she did not vote against the actions reflected in the orders.

Adopted May 8, 1996  
Derived from New

Effective June 6, 1996

**§10.7. Minutes of Commission Meeting.**

(a) The chief clerk shall prepare written minutes of each commission open meeting, which shall state the subject of each deliberation and indicate each vote, order, decision, or other action taken. The general counsel is authorized to approve the minutes, which shall be kept in accordance with the agency's records retention schedule.

(b) The agency shall make an audio recording of each commission open meeting, which shall be retained for ten years after creation, unless a longer retention period is required by Texas Government Code, §441.187(b).

(c) The agency shall not make audio recordings of closed sessions of commission meetings properly held in accordance with the requirements of the Open Meetings Act. Except for a private consultation with an attorney under Open Meetings Act, §551.071, the general counsel or chairman shall keep a certified agenda of each closed session. A certified agenda of a closed session is available for public inspection and copying only under the requirements of Open Meetings Act, §551.104(b)(3).

Adopted March 5, 2003

Effective March 27, 2003

#### **§10.8. Evidentiary Hearing Held by Commission.**

When an evidentiary hearing is held before one or more commissioners, Chapter 80 of this title (relating to Contested Case Hearings) shall apply. Judge shall mean the commissioner presiding over the hearing.

Adopted May 8, 1996

Effective June 6, 1996

Derived from §261.15 and §261.2

#### **§10.9. Document Filing and Service**

All documents to be considered in a commission meeting shall be filed and served according to §1.10 and §1.11 of this title (relating to Document Filing Procedures and Service on Judge, Parties, and Interested Parties).

Adopted May 8, 1996

Effective June 6, 1996

Derived from §261.17 and §261.18

**Derivation Table**  
**Rule Log No. 95123-263-AD**  
**Procedural Rules**  
**Adopted May 8, 1996**  
**Effective June 6, 1996**

**Chapter 10 - Commission Meetings**

This table is to be used to track sections after rule revisions. The column on the left should list the sections after the revision. The column on the right should list where the section was prior to the revision.

<b>New Section</b>	<b>Old Section</b>
10.1	261.6 (a), 261.6 (b)
10.2	261.14
10.3	New
10.4	261.6 (c), 261.6 (d)
10.5	New
10.6	New
10.7	261.7
10.8	261.15, 265.2
10.9	261.17, 261.18