

JOHNSON COUNTY COMMISSIONERS COURT

JUL 26 2022



Becky Ivey, County Clerk
Johnson County Texas
By AK Deputy

RICK BAILEY
Commissioner Pct. #1

ROGER HARMON
County Judge

MIKE WHITE
Commissioner Pct. #3

KENNY HOWELL
Commissioner Pct. #2

PAULA REID
Assistant to Commissioners Court

LARRY WOOLLEY
Commissioner Pct. #4

THE STATE OF TEXAS

COUNTY OF JOHNSON

§
§
§

ORDER #2022-57

**COMMISSIONERS COURT ORDER APPROVING
BUILDING USE POLICY FOR THE JOHNSON COUNTY
ADULT PROBATION BUILDING**

WHEREAS, the Johnson County Commissioners Court has been empowered by the Texas Constitution, Article 5, Section 18, to conduct and oversee the business of Johnson County; and

WHEREAS, the Commissioners Court has the duty to maintain and control any County-owned-or-utilized buildings pursuant to Texas Local Government Code Section 291.001. Texas Courts and the Texas Attorney General's Office have interpreted the Commissioners Court's powers to control county buildings broadly to work toward authorized purposes; and

WHEREAS, Johnson County owns a building located at 425 W. Chambers Street, Cleburne, Texas and frequently known as the Adult Probation Building. The Adult Probation Building is used entirely for governmental purposes. The Adult Probation Building is utilized by persons serving post-conviction community supervision, pre-conviction monitoring of bond conditions, pre-trial diversion monitoring, deferred-adjudication community supervision, and otherwise under court order to appear at the Adult Probation Building, as well as by county employees, Johnson and Somervell County Community Supervision and Corrections Department staff, and members of local law enforcement. It is not the policy of the County to hold the Adult Probation Building open to the general public; and

WHEREAS, in order to preserve the privacy and dignity of persons required to report to the Adult Probation Building as well as to protect the safety and efficiency of the employees officed therein, the Commissioners Court believes it is necessary to adopt this Building Use Policy for the Johnson County Adult Probation Building; and

WHEREAS, the Commissioners Court has determined that the Adult Probation Building has never been used as a public forum, limited public forum, or other building generally open to the public; therefore

A motion was made by Commissioner Bailey, Pct. #1, and seconded by Commissioner Woolley, Pct. #4, that: Johnson County hereby adopts and implements the attached Building Use Policy for the Johnson County Adult Probation Building to be effective immediately.

Said motion was approved by a vote of the Commissioners Court on the 25th day of July, 2022.

NOW THEREFORE BE IT RESOLVED AND ORDERED:

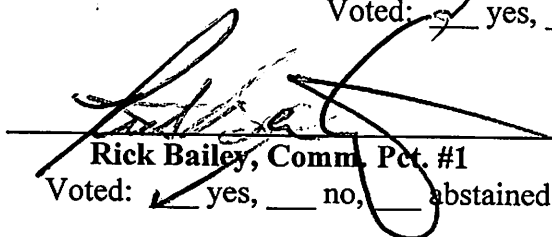
The Commissioners' Court of Johnson County, Texas does hereby enter this Order that the Building Use Policy for the Adult Probation Building is hereby adopted and shall take effect immediately.

SO ORDERED IN OPEN COURT THIS 25TH DAY OF JULY, 2022.



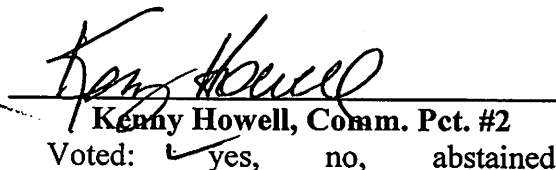
Roger Harmon, Johnson County Judge

Voted: yes, no, abstained



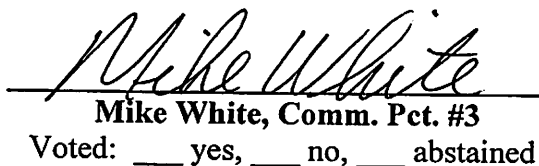
Rick Bailey, Comm. Pct. #1

Voted: yes, no, abstained



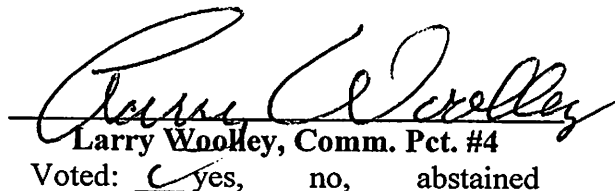
Kenny Howell, Comm. Pct. #2

Voted: yes, no, abstained



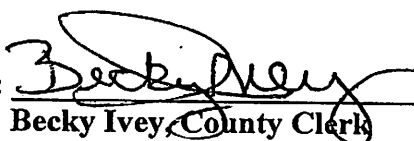
Mike White, Comm. Pct. #3

Voted: yes, no, abstained



Larry Woolley, Comm. Pct. #4

Voted: yes, no, abstained

ATTEST: 
Becky Ivey, County Clerk



ATTACHMENT

BUILDING USE POLICY FOR THE JOHNSON COUNTY ADULT PROBATION BUILDING

I. Purpose

In the ordinary course of its business, Johnson County operates multiple buildings and facilities, including the Johnson County Adult Probation Building (the Building). The Building houses offices and workspaces for the Johnson and Somervell County Community Supervision and Corrections Department (CSCD), which serves the criminal courts of Johnson and Somervell Counties. The purpose of this Policy is to ensure the continued provision of a safe and secure workplace to the employees of the CSCD and to promote the efficient administration of the CSCD.

II. Statutory Authority

This Policy is adopted pursuant to the inherent authority of the Johnson County Commissioners Court to regulate the business of the County as enumerated in Article 5, Section 18 of the Texas Constitution as well as the regulatory authority delegated to the County in Chapter 291 of the Texas Local Government Code and in accordance with other applicable state and federal law. This Policy is also consistent with existing *juris prudence* from the Texas Supreme Court and the United States Supreme Court, which have both recognized the authority of governmental entities to regulate access to governmental buildings.

III. Definitions

1. **Building** – Johnson County Adult Probation building located at 425 W. Chambers Street, Cleburne, Texas.
2. **Policy** – Building Use Policy for the Johnson County Adult Probation Building.
3. **Probationer** – any person required by court order to appear before the Johnson and Somervell County CSCD, including but not limited to persons ordered to submit to drug testing, persons on bond, persons on deferred-adjudication community supervision, persons serving pre-trial diversion supervision, and persons on post-conviction community supervision.

IV. Purpose of the Building

The Building is used exclusively to facilitate the County's obligations to supervise Probationers, including achieving the purposes of the CSCD and law enforcement officers. The Building is not a public forum or a limited public forum. The Building is not open to members of the public.

The front entrance of the building leads to a vestibule, where persons desiring to enter the Building must check in with CSCD staff before entering the waiting/reception area. Beyond the vestibule is the waiting/reception area. The purpose of this area is to provide space for Probationers and their guests to check in with the Johnson County CSCD staff and to remain

until summoned into the other parts of the Building. Due to the confidential nature of the privileged information shared within the vestibule and waiting/reception area, the rooms are not open to the public.

In order for the CSCD to perform its statutory and court-ordered duties, CSCD must collect and maintain privileged and confidential information, including but not limited to: full names, dates of birth, state and federal identification numbers, addresses, criminal history information, protected health information (PHI), home addresses and contact information, workplace contact information, names and contact information of crime victims, and confidential financial information for both Probationers and crime victims.

Records maintained by the CSCD are typically considered to be judicial records, and they are not necessarily public information. The unauthorized public release of the information collected and stored at the Building could interfere with the administration of the CSCD as well as the criminal justice system.

V. Who May Access

Unless otherwise authorized by this Policy or by the Director of CSCD, access to the Building is limited to law enforcement personnel who need access to the Building for official purposes, employees of Johnson County whose official duties require them to access the Building, CSCD Staff and contracted vendors performing services within the Building, Probationers, and their guests. CSCD staff may limit the number of guests permitted to access the Building (or exclude guests entirely) in order to ensure the safe and efficient administration of the Building.

Persons, other than employees, wishing to access the Building may be required to wait outside the Building and request permission to enter. No person may enter the waiting/reception area without express permission from CSCD Staff. CSCD Staff may exclude any person from the Building who does not have official business to conduct within the Building. CSCD Staff may exclude any person from the Building who is behaving in a manner that disrupts the normal operation of the Building, including engaging in loud, rude, or unruly behavior. CSCD Staff may also grant access to the Building to any person whose presence is necessary for the conduct of CSCD business.

The Director of the CSCD may prohibit access to the Building by any person in order to promote the safety, security, privacy, and efficient operation of the Building.

VI. Parts of the Building Covered by this Policy

The entire premises of the Building is covered by this policy. The Building consists of governmental offices, workspaces, conference rooms, a vestibule, and a waiting/reception area. Due to the sensitive nature of the work conducted by the CSCD, limiting the public's access to the Building serves to promote the efficient operation of the CSCD Officers' official duties. The Policy does not apply to the public sidewalks or parking lots surrounding the Building, and the Policy does not apply to the exterior of the Building.

VII. Signage

On or before the sixtieth (60th) day following the Effective Date of this Policy, Johnson County shall place signs at each entrance of the Building that contain the following language:

ACCESS TO THIS BUILDING IS RESTRICTED. ANY PERSON WHO ENTERS THIS BUILDING WITHOUT PRIOR AUTHORIZATION BY CSCD STAFF OR WHO REFUSES TO LEAVE WHEN INSTRUCTED TO DO SO BY CSCD STAFF OR ANY PEACE OFFICER MAY BE SUBJECT TO CRIMINAL PENALTIES, INCLUDING BUT NOT LIMITED TO PROSECUTION UNDER TEXAS PENAL CODE § 30.05.

The failure of Johnson County to place signs in accordance with this Policy shall not be construed to be a waiver of this Policy and shall not affect the enforceability of this Policy.

VIII. Violations

Any person who enters the Building in violation of this policy, or any person who refuses to leave the Building when requested by any Johnson County CSCD staff member or any peace officer, shall be subject to prosecution under Texas Penal Code §30.05 Criminal Trespass.

This penalty is not exclusive, and it shall not affect the enforceability of any other law.

IX. Effective Date

This Policy was duly adopted by the Johnson County Commissioners Court on July 25, 2022 and is effective from that date until further order of the Court.

JUL 25 2022

Approved

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Jim Simpson

TODAY'S DATE: July 18, 2022

DEPARTMENT:

X County Attorney's Office /Adult Probation office

SIGNATURE OF DEPARTMENT HEAD:

X _____

REQUESTED AGENDA DATE:

X July 25, 2022

SPECIFIC AGENDA WORDING:

Consideration And Approval Of Commissioners Court Order Approving Building Use Policy For The Johnson County Adult Probation Building; Order 2022-57

PERSON(S) TO PRESENT ITEM: Bob Barnes

SUPPORT MATERIAL: attached – Policy will be attached as part of Order

TIME: 7 min.

ACTION ITEM: Yes

WORKSHOP: _____

(Anticipated number of minutes needed to discuss item)

CONSENT: _____

EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY: _____ X _____

ISS DEPARTMENT: _____ X _____

AUDITOR: _____

PURCHASING DEPARTMENT: _____

PERSONNEL: _____

PUBLIC WORKS: _____ X _____

BUDGET COORDINATOR: _____

OTHER: Adult Probation

*****This Section to be Completed by County Judge's Office*****

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____

Date _____