

## Chapter 2. Code Interpretation, Amendment, and Publication<sup>1</sup>

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<sup>1</sup> Chapter 2 was adopted by Travis County Commissioners Court on July 2, 2013, Item #18.

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***Subchapter A. General Provisions of Chapter***

**2.001 Authority**

The Travis County Commissioners Court adopts this Code under the authority of the laws of the State of Texas.

**2.002 Intent of Chapter**

Purpose of this Chapter is to provide policies for drafting, publishing, interpreting, and amending the Travis County Code.

**2.003 Application**

This chapter applies to Code chapters adopted or replaced after July 2, 2013.

**2.004 Effective Date**

This chapter shall become effective upon adoption by the Commissioners Court.

**2.005 Definitions**

In this chapter:

- (1) "Amendment" means any creation of a new policy, procedure, or regulation; or a repeal of or addition to or change of an existing policy, procedure, or regulation.

- (2) "Codifier" means the staff authorized to prepare a copy of the Code for online publication.
- (3) "Policy" means any action taken or adopted by the Commissioners Court which purports to control, dictate, or describe the conduct of one or more officials or employees of Travis County.
- (5) "Procedure" means those rules of operation or administration adopted by the Commissioners Court for the purpose of standardizing the accomplishment or implementation of any policy or regulation.
- (6) "Regulation" means any action taken or adopted by the Commissioners Court that purports to control, dictate, or describe the conduct of persons generally, regardless of whether they are officials or employees of Travis County.

**2.006 Custodian of Official Copy**

- (a) The Travis County Clerk shall be the custodian of the official copy of the Travis County Code.
- (b) The official copy is the paper copy adopted into the Minutes of the Commissioners Court.
- (c) The electronically published copy is a convenience copy and is not the official copy of the Travis County Code.

**(Sections 2.007 – 2.013 reserved for expansion.)**

***Subchapter B. Interpretation and Enforcement of the Code***

**2.014 Name of Code**

This Code may be referenced as the "Travis County Code," "this Code," or the "Travis County Policy, Procedures, and Regulations Manual."

**2.015 Construction, Precedents, and Interpretation**

- (a) This Code shall be construed strictly so that no rights are created that are not specifically created by this Code.
- (b) Commissioners Court shall resolve any questions regarding any interpretation of this Code.
- (c) If there is any conflict between this Code and the Texas Constitution, or state law or a rule adopted under a state law or the United States Constitution, a federal law or a rule adopted under federal law, the policy shall prevail to the greatest extent possible without violating the United States Constitution, the Texas constitution, any constitutional federal or state law, or any constitutional rule adopted under either of these.

## **2.016 Common and Technical Usage of Words**

- (a) Words and phrases shall be read in context and construed according to the rules of grammar and common usage.
- (b) Words and phrases that have acquired a technical or particular meaning, whether by definition in this Code or otherwise shall be construed according to that acquired meaning unless otherwise stated.

## **2.017 “May,” “Shall,” and “Must,” etc.**

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided:

- (1) “May” creates a discretionary authority or grants permission or a power.
- (2) “Shall” or “will” impose a duty.
- (3) “Must” creates or recognizes a condition precedent.
- (4) “Is entitled to” creates or recognizes a right.
- (5) “May not” imposes a prohibition and is synonymous with “shall not.”
- (6) “Is not entitled to” negates a right.
- (7) “Is not required to” negates a duty or condition precedent.

## **2.018 Tense, Number, and Gender**

- (a) Words in the present tense or past tense include the future tense.
- (b) The singular includes the plural and the plural includes the singular unless expressly provided otherwise.
- (c) The masculine gender includes the feminine and neuter genders.

## **2.019 Computation of Time**

- (a) When a period of time is stated in days, the days shall be construed as calendar days (not working days) unless otherwise stated.
- (b) When a period of time is stated in “working days”, the days shall be interpreted as Mondays, Tuesdays, Wednesdays, Thursdays, Fridays unless the day has been designated as a County holiday by the Commissioners Court.
- (b) If the last day of any period is a Saturday, Sunday, or County holiday, the period is extended to include the next day that is not a Saturday, Sunday, or County holiday unless otherwise stated.
- (c) Unless otherwise expressly stated, a reference to a time in which an act shall be performed means Central Standard Time.

## **2.020 Statutory Reference**

Unless expressly stated otherwise, a reference to any portion of a statute, rule, or regulation applies to all reenactments, revisions, or amendments of the statute, rule, or regulation.

## **2.021 Effect of Grammar and Punctuation**

- (a) A grammatical error does not nullify a provision of the Code. If the sentence or clause is meaningless because of grammatical error, words and clauses may be transposed to give the provision meaning.
- (b) Punctuation of a provision does not control or affect the intent in enacting the provision of the Code.

## **2.022 Severability of Code Provisions**

Unless expressly stated otherwise, if any provision of the Code or its application to any person or circumstance is held invalid, the invalidity does not affect other provision or application of the Code that can be given effect without the invalid provision or application, and to this end the provisions of the statutes are severable.

## **2.023 References and Notes**

Historical notes, cross references, indexes, tables of content, footnotes, and state law references that appear in this Code are provided for the convenience of the reader of the Code and have no legal effect.

## **2.024 Headings**

Headings of a title, subtitle, chapter, subchapter, or section does not limit or expand the meaning of a statute. Headings are provided for the convenience of the reader of the Code and have no legal effect.

## **2.025 Enforcement of Code**

- (a) Regulations not contained in this Code may be enforced by the Commissioners Court and its employees, if such regulations are otherwise enforceable as a matter of law.
- (b) Neither the Commissioners Court nor any of its employees shall take any action or make any attempt to enforce any policy or procedure that is not included in this Code.
- (c) Any employee of the Commissioners Court who becomes aware of the existence of a regulation that is not included in this Code shall immediately request that an agenda item be placed on the next available Commissioners Court agenda to amend this Code to include such un-included regulation, in accordance with the procedures outlined in this chapter and in accordance with Chapter 1.

**(2.0026 - 2.034 Reserved for expansion)**

***Subchapter C. Amendment of Code***

**2.035 Amending the Code**

- (a) The Travis County Code may, from time to time, be amended by order of the Commissioners Court of Travis County.
- (b) All action to amend this Code shall conform to the requirements of this chapter and to all other requirements imposed by law, including all the requirements of this Code

**2.036 Criteria for Additions to Code**

- (a) The Travis County Code includes regulations, policies and procedures as defined by section 2.005 and adopted by Commissioners Court in accordance to with this chapter.
- (b) Departments are discouraged from including processes, internal departmental rules, guidelines, forms, plans, goals, and resolutions in proposed amendments to the Code.

**2.037 Procedure for Preparing Draft Amendment**

- (a) Any Travis County official or employee desiring to amend this Code shall prepare the desired amendment in writing.
- (b) The desired amendment shall conform to this Code in form, style, and numbering system.
- (c) The amending department is responsible for:
  - (1) Submitting draft copies of the desired amendment to the County Attorney's Office for legal review.
  - (2) Submitting draft copies of the desired amendment to all other Travis County officials, county executives, or department heads whose offices, areas of responsibility, or departments may or will be affected by the desired amendment and solicit their comments and advice concerning the desired amendment;
  - (3) Preparing an analysis of the fiscal impact the desired amendment is expected to have on the various budgets of Travis County and submit with the desired amendment a statement of any such expected fiscal impact.
  - (4) Preparing an order for amendment that specifically states which chapter or sections of the Code are amended and how.

- (5) Submitting the draft amendment and order to the Codifier to verify that the amendment meets this chapter's requirements for numbering and style.
- (6) Submitting the draft amendment and order to the County Judge's Office as an agenda request.
- (d) Upon receipt of a draft amendment and order that meets this chapter's requirements the Travis County Judge shall treat it as an agenda request pursuant to the Travis County Code.

**2.038 Steps after Commissioners Court Adopts Amendment**

- (a) Upon adoption of an amendment by the Commissioners Court, the Travis County Judge shall forward the amendment and signed order to the Travis County Clerk.
- (b) Upon receipt of an amendment and signed order from the Travis County Judge, the Travis County Clerk shall cause the amendment to be added to the official copy of the Travis County Code.
- (c) Upon adoption of an amendment and signed order, the Travis County Clerk shall forward an electronic copy of the amendment and order to the Codifier.
- (d) Upon receipt of an amendment from the Travis County Clerk, the Codifier shall prepare the electronic copy for online publication.

**2.039 Effect of New Orders on Publication**

Repealed portions of this Code may be excluded from the online publication of the Code.

**2.040 Amending Language in Orders to Amend Code**

- (a) Amendments to provisions of this Code may be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "Section (chapter, article, division, or subdivision, as appropriate) of the Travis County Code is amended to read as follows: . . . (Set out the new provisions in full)."
- (b) If a new section, subsection, or chapter is to be added to the Code, the following language may be used: "Section (subsection, chapter) of the Travis County Code is adopted as follows: . . . (Set out the new provisions in full)."
- (c) All provisions to be repealed should be repealed specifically by section, subsection, or chapter as appropriate, or by setting out the repealed provisions in full in the repealing order.

#### **2.041 Review of Amendments**

Neither the opinion regarding conformity to form, style, and numbering system nor the agenda request shall itself be construed to indicate that the Travis County Attorney has reviewed the substance of the desired amendment or that the Travis County Attorney supports the adoption of the desired amendment.

#### **2.042 Amendment with No Written Order**

Commissioners Court may amend the Code with no written order. When this happens, the County Judge is responsible for providing the specific text of the amendment in writing to the County Clerk's Office.

#### **(2.043- 2.049 Reserved for Expansion)**

### ***Subchapter E. Style and Formatting of the Code***

#### **2.050 Purpose of Style and Formatting Guide**

This style guide is to inform writers of the Code of the style approved by Commissioners Court for use in the Code.

#### **2.051 New Chapters**

- (a) Chapter names should identify the subject of the chapter concisely.
- (b) Avoid including the words "Travis County" in chapter names.
- (c) If the chapter has multiple subjects, consider breaking the chapter into several chapters. If that is not possible, use subchapters to separate multiple subjects within the chapter.

#### **2.052 Readability**

- (a) If possible, draft chapters by doing the following:
  - (1) Use everyday words.
  - (2) Use short sentences
  - (3) Use active voice.
  - (4) Omit unnecessary words or characters.
  - (5) Avoid compound adverbs such as *herewith*, *herein*, and *heretofore*.
  - (6) If an acronym is used, define it when it is first used.
- (b) Helpful tools include *A Plain English Handbook* published online by the Securities and Exchange Commission and the *Texas Legislative Drafting Manual* published online by the Texas Legislative Council.

### **2.053 Capitalization and Punctuation**

- (a) Use the Texas Legislative Council Drafting Manual as a guide for capitalization and punctuation. Otherwise, the rules of grammar and common usage prevail.
- (b) Capitalize “County” if it is used as substitute for “Travis County.”
- (c) Always capitalize “Commissioners Court” and department names.
- (d) The first letter in all words in a defined word or phrase is capitalized.
- (e) Do not write text in all uppercase letters. Use title case for headings; otherwise use sentence case.

### **2.054 Personal Names**

Use a position’s title instead of the name of the person holding a position.

### **2.055 Forms, Tables and Exhibits**

- (a) When appropriate, tables, forms, and exhibits are incorporated into the text of the chapter.
- (b) The form, table, or exhibit will be introduced as a section or appropriate division of a section and be numbered accordingly.

### **2.056 Formatting: Footnotes**

- (a) Each chapter name should include a footnote that gives the reader information regarding the currency of the chapter. The footnotes are in 10-point Arial.
- (b) If the chapter is new, insert the footnote, “Chapter # was adopted on (date), item (#).”
- (c) If the chapter has been replaced, insert the footnote “Chapter # was replaced on (date), item (#).”
- (d) Amendments incorporated by Codifier
  - (1) If the Codifier has incorporated amendments, the Codifier will insert the footnote “Chapter # – amendments added through (date).”
  - (2) Each amendment that the Codifier incorporates should be marked with a footnote next to the section heading. The footnote should state “Section # was (added, replaced, or amended) on (date), item (#).”

### **2.057 Formatting: Document Description**

Name and describe the chapter in Word under File, Properties, Summary to help Internet search engines find the chapter after it is in PDF format.

**2.058 Formatting: Justification and Alignment**

Text is aligned left justified, ragged right. Exception: the chapter name is centered and page numbers are right justified.

**2.059 Formatting: Margins and Indentations**

- (a) Margins are set at 1 inch on the top, bottom and both sides.
- (b) Indents and hanging indents, not tabs, are used to align text.

**2.060 Formatting: Font**

- (a) The color of the font is black. Exception: blue font is used in the table of contents to show that the words are links.
- (b) Underlined text is used only for internal links.
- (c) Bold is used for the names and numbers of chapters, subchapters, and section headings.
- (d) Italics is used for subchapter headings, for emphasis, and for titles of published works.
- (e) Redline, strikeout, shadow, outline, embossed, engrave, and small capitalization and other specialty font types and text effects are not used. Superscripts are used to number footnotes.

**2.061 Formatting: Numbering**

The numbering and lettering within the Code shall be consistent with the following example:

Title I.

Subtitle A.

**Chapter #. (Name)**

*Subchapter A.*

**ch#.001 Section Heading**

- (a) Subsection
  - (1) Paragraph
  - (2) Paragraph
    - (A) Subparagraph
    - (B) Subparagraph

- (i) Subdivision
  - (ii) Subdivision
- (b) Subsection

**2.062 Formatting: Spacing**

- (a) Single spacing is used throughout the Code. Double spacing is not used.
- (b) Line spacing for all body text is set at 14 point. For the table of contents, the line spacing is set at 3 point.

**2.063 Formatting: Title Headings**

- (a) Title headings are aligned flush left.
- (b) Title headings are 16-point regular Arial font.
- (c) The spacing for title headings is set at 0 point before and 18 point after.
- (d) Title headings are set at heading level 1.

**2.064 Formatting: Subtitle Headings**

- (a) A title with only one subtitle should not have any subtitle designation.
- (b) Subtitle headings are aligned flush left.
- (c) Subtitle headings are in 14-point regular Arial font.
- (d) The spacing for title headings is set at 0 point before and 18 point after.
- (e) Subtitle headings are set at heading level 2.

**2.065 Formatting: Chapter Headings**

- (a) Chapter headings are centered.
- (b) Chapter headings are in 14-point bold Arial font.
- (c) The spacing for chapter headings is set at 18 point before and 14 point after.
- (d) Chapter headings are set at heading level 3.

**2.066 Formatting: Subchapter Headings**

- (a) A chapter with only one subchapter should not have any subchapter designation.
- (b) Subchapter headings are aligned flush left.
- (c) Subchapter headings are in 11-point bold and Italicized Arial font.
- (d) The spacing for subchapter headings is set at 18 point before and 0 point after.

- (e) Subchapter headings are set a heading level 4.

**2.067 Formatting: Section Headings**

- (a) Sections are numbered sequentially throughout the chapter without regard to a change in subchapter unless sections are expressly reserved.
- (b) Section headings are aligned flush left.
- (c) Section headings are in 11-point bold Arial font.
- (d) The spacing for section headings are set at 18 point before and 0 point after.
- (e) Section headings are set at heading level 5.

**2.068 Formatting: Section and Subsection Text**

- (a) A section with only one subsection should not have any subsection designation. Subsection text is indicated by a lowercase letter encased in parenthesis.
- (b) All section text is aligned flush left. Indentation is set at 0 inches. Hanging indentation for subsections is set at 0.75 inches
- (c) All text at section level and below is in 12-point regular Arial font.
- (d) The spacing for section text is set at 6 point before and 6 point after. The spacing for subsection text is set at 6 point before and 3 point after.
- (e) Section and subsection text is set at body level.

**2.069 Formatting: Paragraph and Subparagraph Text**

- (a) A paragraph with only one subparagraph should not have any subparagraph designation. Paragraphs are indicated by an Arabic numeral encased in parenthesis. Subparagraphs are indicated by a capital letter encased in parenthesis.
- (b) All paragraph and subparagraph text is aligned flush left. Paragraph indentation is set at .75" from the left margin. Hanging indentation for paragraphs is set at 1.25" inches from the left margin.
- (c) Subparagraph indentation is set at 1.25" from left margin. Hanging indentions for subparagraphs is set at 1.75 inches from left margin.
- (d) Paragraph and subparagraph text is in 12-point regular Arial font.
- (e) The spacing for paragraphs is set at 6 point before and 0 point after. The spacing for subparagraphs and below is set at 3 point before and 3 point after.
- (f) Paragraph and subparagraph text is set at body level.

**2.070 Formatting: Subdivision Text**

- (a) Subdivisions of paragraphs are indicated with Roman numerals encased in parenthesis.
- (b) Subdivision text is aligned flush left. Indentation is set at 1.75” from the left margin. Hanging indentation for subdivisions is set at 2.25” inches from the left margin.
- (c) Subdivision text is in 12-point regular Arial font.
- (d) Spacing for subdivision text is set at 6 point before and 6 point after.
- (e) Subdivision text is set at body level.

**2.071 Formatting: Borders, Shading and Columns**

Borders, shading and columns are not used.

**2.072 Formatting: Page Numbers**

Use the format “page # of ##” at the bottom right of each page. Right align the page numbers.

**2.073 Formatting: Table of Contents**

- (a) The table of contents should be single-column, hyperlinked, and include page numbers.
- (b) Line spacing is set at 3 point.
- (c) The font is blue and set in 10-point Arial for subchapter headings and 9-point Arial for section headings.

**(2.074 – 2.079 Reserved for Expansion)**

***Subchapter F. Electronic Publication of Code***

**2.080 Electronic Publication of the Code**

The Travis County Code shall be published on the Travis County website in a format that meets accessibility standards of the American’s with Disabilities Act.

**2.081 Duties of Codifier**

- (a) A Codifier to be named by Commissioners Court shall prepare the Code for online publication.
- (b) The Codifier is permitted to make non-substantial edits to the electronically published copy of the Code.

(c) The codifier will update the style of the text to reflect the format and style approved by Commissioners Court before publication of the chapter, if the chapter is not already in the approved style.

(d) The codifier will assign chapter numbers.

**2.082 Non-substantial Edits of Code for Electronic Publication**

(a) The electronically published copy of this Code shall include all substantive chapters and amendments adopted by order of the Travis County Commissioners Court.

(b) In preparing to publish this Code electronically, all portions of the Code that have been repealed shall be removed.

(c) In preparing to electronically publish to this Code, the Codifier is permitted to make these non-substantial edits to the electronically published copy of the code:

(1) Incorporate amendments into the electronically published copy.

(2) Provide appropriate catch lines, subchapter titles, and section headings for sections to be included in the Code. The Codifier shall indicate that catch lines, subchapter titles, or section headings have been added by inserting brackets around the added text.

(3) Assign appropriate numbers to chapters, articles, divisions, subdivisions, and sections to be added to the Code.

(4) Create aids to understanding such as tables of contents, tables of statutes, historical notes, and indices.

(d) The codifier is not authorized to make any change in the meaning or effect of orders embodied in the Code.