



Texas Council on Cardiovascular Disease and Stroke

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- The Council is established by Texas Health and Safety Code ch. 93.
- The Council rule for conduct of meetings is 25 Texas Administrative Code §1051.1.
- The Council is a governmental body for purposes of the Open Meetings Act, Texas Government Code ch. 551. In addition, the Council's rule (25 Tex. Admin. Code § 1051.1(c)(2)) says that the Council will announce and conduct each meeting in accordance with the Open Meetings Act.
- Because the Council is a governmental body subject to the Open Meetings Act, the Act's criminal provisions apply.
- Because the Council is a governmental body subject to the Open Meetings Act, it is not lawful for a licensed handgun holder to carry a handgun, openly or concealed, into a Committee meeting.¹

Open Meetings Act, [Tex. Gov't Code ch. 551](#):

The OMA requires a governmental body to hold all meetings in public, in an accessible location.²

- Quorum = majority of the governmental body (voting + nonvoting members)³
- Quorum of the Council = 8

Notice requirements:

- Written notice must include the following:
 - Date of the meeting
 - Hour of the meeting
 - Place at which the meeting will be held
 - Subject or subjects to be discussed at the meeting.⁴

¹ See Tex. Penal Code §46.035(c).

² Tex. Gov't Code § 551.002; *see also id.* § 551.001(3) (defining "governmental body").

³ *Id.* §551.001(6) (defining "quorum"); 25 Tex. Admin. Code §1051.1.

⁴ *Id.* § 551.041.



- Notice must be posted on the Secretary of State’s website “at least seven days before the date of the meeting,”⁵ not counting the day of posting or the day of the meeting.⁶ I assume the same notice also is posted on the Council’s website or the DSHS and/or HHSC websites.
- In emergency circumstances, a governmental body may post notice or post a supplement to an already-posted notice at least two hours before the meeting.⁷ An emergency or an urgent public necessity exists *only* if a governmental body must take immediate action because of: (1) an imminent threat to public health and safety; or (2) a reasonably unforeseeable situation.⁸
- A subject that is not timely posted cannot be discussed.
- If a member of the public raises an issue not included in the posted notice, the governmental body may respond by:
 - a. Stating specific factual information;
 - b. Reciting existing policy; or
 - c. Telling the speaker that the subject will be on a future agenda.⁹

Meeting notes:

- Assume meeting notes are subject to requests under the Public Information Act, Texas Government Code ch. 552.
- Notes must be kept until official minutes are approved.

Resources:

Tex. Gov't Code ch. 551, Open Meetings Act:

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.551.htm>

Open Meeting Handbook 2018:

<https://www.texasattorneygeneral.gov/og/open-government-related-publications>

⁵ *Id.* § 551.044(a).

⁶ 1 Tex. Admin. Code § 91.21(a)(1).

⁷ *Id.* § 551.045(a).

⁸ *Id.* § 551.045(b).

⁹ *Id.* § 551.042.



Open Meetings Act Training:

<https://www.texasattorneygeneral.gov/og/oma-training>

Tex. Gov't Code ch. 552, Public Information:

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.552.htm>

Public Information Handbook 2018:

<https://www.texasattorneygeneral.gov/og/open-government-related-publications>

Public Information Act Training:

<https://www.texasattorneygeneral.gov/og/pia-training>

Questions/Comments