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

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¹ See Tex. Penal Code §46.035(c).
² Tex. Gov't Code § 551.002; see also id. § 551.001(3) (defining "governmental body").
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,” not counting the day of posting or the day of the meeting. 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. 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.

• 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.

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