

Annual Board Training
August 25, 2026
10:00 am

I. DECLARATION OF QUORUM

II. PUBLIC COMMENT

III. REVIEW AND COMMENT

A. Roles and Responsibilities of Trustees

EXHIBIT 1

(Pamela L. Beach TCRMF General Counsel)

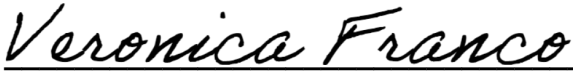
IV. EXECUTIVE SESSION

- As authorized by §551.071 of the Texas Government Code, the Board of Trustees reserves the right to adjourn into Executive Session at anytime during the course of this meeting to seek legal advice from its attorney about any matters listed on the agenda.

V. RECONVENE INTO OPEN SESSION

VI. CONSIDER AND TAKE ACTION OF THE EXECUTIVE SESSION

VII. ADJOURN



Veronica Franco, Board Liaison

Robin Gearing, Chair, Board of Trustees

The Harris Center for Mental Health and IDD

***Note: The Annual Board training is for information only. No decisions or actions will be taken during the training.**

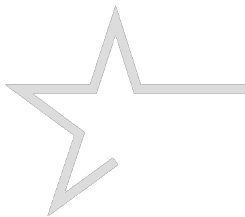
EXHIBIT 1



Roles and Responsibilities of Trustees

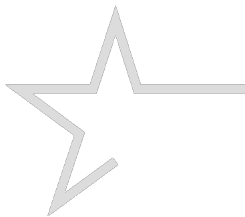
Code 1009

Pamela L. Beach
General Counsel



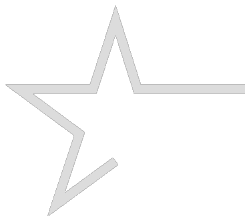
Texas Mental Health and Mental Retardation Act of 1965

- Authorized local agencies to assume administration of MHMR services
- Created Texas Department of MHMR
- Established partnerships between local agencies, the State, and the Federal Government
- Vague in terms of legal definition and authority of local entity



Texas Health & Safety Code §534.001

- Authorizes county, municipality, hospital district, school district [or organizational combination] to establish and operate a Community Center
- Community Center plan requires state approval
- There are now 39 community centers across the state serving all 254 Texas counties

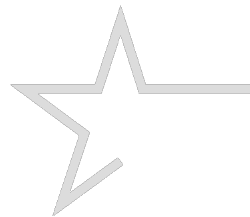




What is a community center?

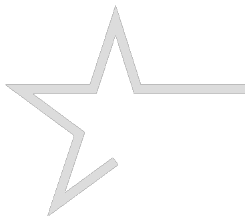
Texas Health & Safety Code §534.001(c)

1. An agency of the state, a governmental unit, and a unit of local government as defined and specified by Chapter 101 and 102 of the Texas Civil Practice & Remedies Code
 - Texas Tort Claims Act
2. A local government as defined by Section 791.003, Government Code
 - Interlocal Cooperation Act
3. A local government for the purposes of Chapter 2259, Government Code
 - Allows for self insurance by governmental entities
4. A political subdivision for the purposes of Chapter 172, Local Government Code
 - Allows for group benefits programs



What is different about being Governmental?

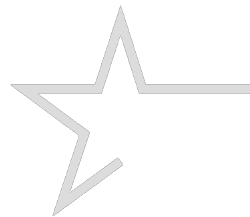
- Why does it matter to a board member?
 - It forces the community center to conduct its business much differently than if it were a private entity
 - It makes the board member a public official subject to various criminal penalties for misbehavior in office



Should Not's

The legislature has adopted the following standards of conduct for state officer:

- No gifts;
- No other employment or professional activity where you would have to disclose confidential information of the center;
- No other employment or compensation that would impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
- No investments that would create a conflict; or
- No bribes.



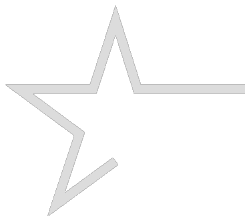
Texas Penal Code Sections

36.02 – Bribery

36.07 and 36.08 – Certain gifts are prohibited

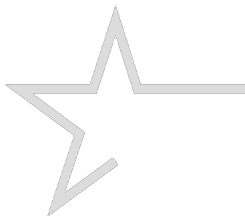
39.02 - Abuse of Official Capacity

Section 39.06 – Misuse of Official Information



Texas Local Government Code - Conflict of Interest

Prohibits a local public official from voting or participating on a matter involving a business entity or real property in which the official has a **substantial interest** if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of a **substantial interest** in real property, it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public.



Texas Local Government Code - Conflict of Interest

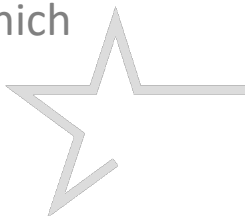
A public official has a substantial interest in a business entity if the official:

- Owns 10% or more of the voting stock or shares of the business entity
- Owns either 10% or more or \$15,000 or more of the fair market value of the business entity; or
- Receives funds from the business entity that exceeds 10% of the person's gross income for the preceding year.

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

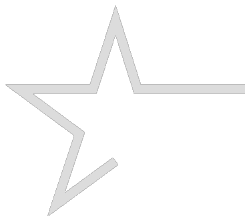
A public official is also considered to have a substantial interest in a business entity or real property if the official's relative within the first degree of consanguinity (blood) or affinity (marriage) has a substantial interest in the business entity or real property.

- Spouse, parent child, step-child, father or mother-in-law, or son or daughter-in-law
- Business that employs the official's daughter if the official's daughter earns an income which exceeds 10% of her gross income

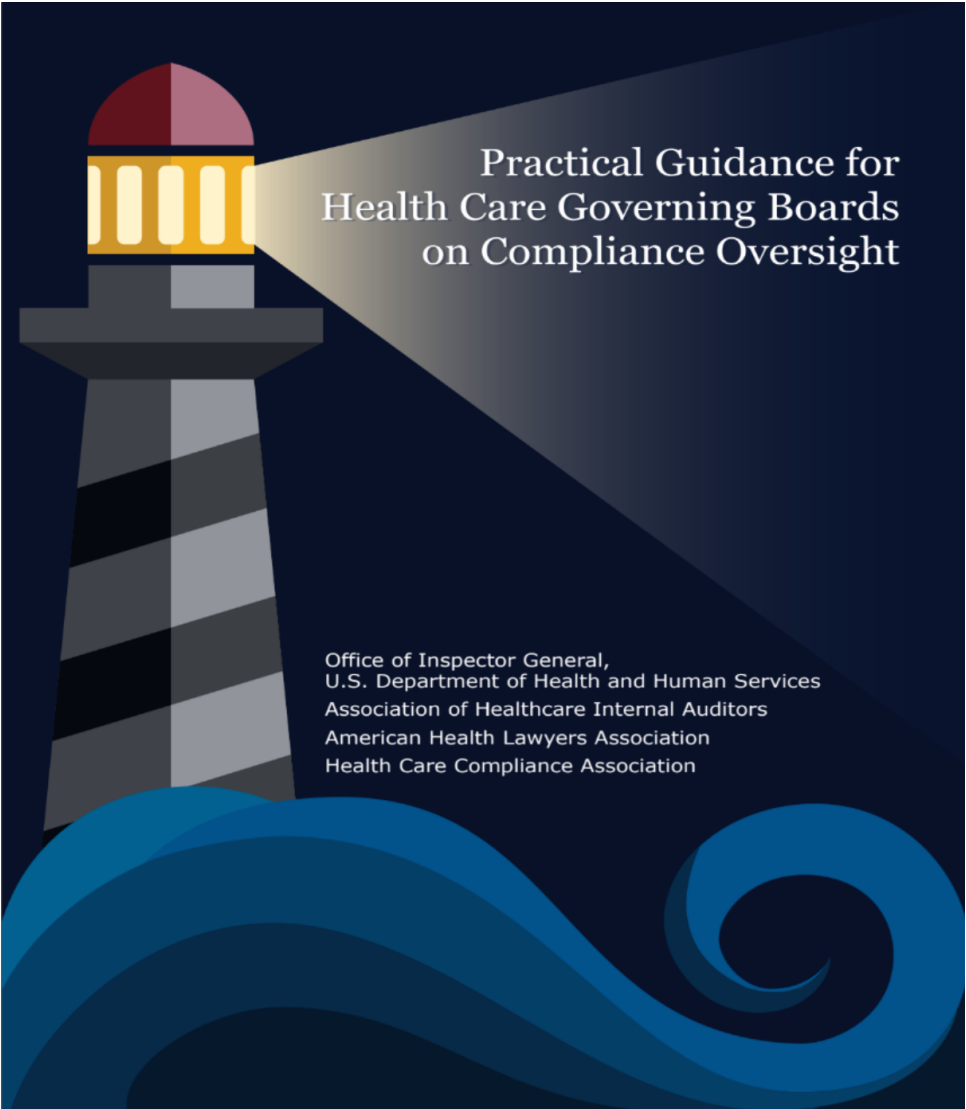


Texas Local Government Code - Conflict of Interest

- A public official who has such interest is required to file, before a vote or decision on any matter involving the business entity or real property, an affidavit with the official record keeper, stating the nature and extent of the interest.
- In addition, a public official is required to abstain from further participation in the matter.
- However, a public official that is required to file an affidavit is not required to abstain from participating in the matter if a majority of the members of the governing body have a substantial interest and are required to file and do file affidavits of similar interests on the same official matter.



You're a health care board!



OIG Audits Information for Boards

- Keeping your Board informed
 - Education during each Board meeting
 - Status of Strategic Planning and Measurement
 - Keeping Board Bylaws (and Board policies) current
 - Adherence to contracting procedures
- Sharing Opportunities for Board Education and Training
 - Training for New Board Members
 - Annual Texas Council Board and Staff Conference
 - Annual Board Retreat
 - [Practical Guidance for Health Care Governing Boards on Compliance Oversight](#)

Ethics Opinions

TEXAS ETHICS COMMISSION

A GUIDE TO ETHICS LAWS FOR STATE OFFICERS AND EMPLOYEES



Revised September 15, 2015

Texas Ethics Commission, P.O. Box 12078, Austin, Texas 78711
(512) 463-5800 FAX (512) 463-5777 TDD 1-800-735-2989
Visit us at <https://www.ethics.state.tx.us> on the Internet.

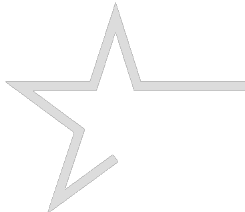
AN EQUAL OPPORTUNITY EMPLOYER

The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

A GUIDE TO ETHICS LAWS FOR STATE OFFICERS AND EMPLOYEES

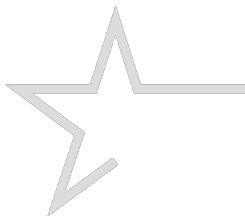
TABLE OF CONTENTS

INTRODUCTION.....	1
Laws Interpreted by the Texas Ethics Commission.....	1
Advisory Opinions	1
PART I. STANDARDS OF CONDUCT AND CONFLICT OF INTEREST	2
The "Should Nots"	2
Private Interest in Measure or Decision.....	2
PART II. ACCEPTANCE OF BENEFITS.....	3
Bribery	3
Honoraria	3
Prohibitions on Gifts.....	3
Exceptions to Gift Prohibitions.....	4
Gifts Prohibited by the Lobby Statute.....	5
Gifts to State Agencies.....	5
Donation of Gifts to Charity	6
PART III. ABUSE OF OFFICE	6
Misuse of Government Property.....	6
Frequent Flyer Miles	6
Political Campaigns	6
Misuse of Official Information	6
PART IV. OTHER EMPLOYMENT	7
Concurrent Employment	7
Future Employment.....	7
Revolving Door #1	7
Revolving Door #2.....	8
Revolving Door #3.....	8
PART V. PERSONAL FINANCIAL STATEMENTS	8
PART VI. LOBBYING BY STATE OFFICERS AND EMPLOYEES	9
SUMMARY	9
APPENDIX: Penal Code Provisions Regarding Gifts to a Public Servant.....	10
§36.08. Gift to Public Servant by Person Subject to His Jurisdiction	10
§36.09. Offering Gift to Public Servant.....	11
§36.10. Non-Applicable.....	11



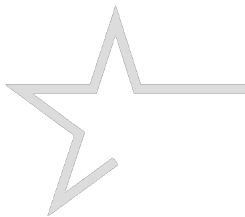
Other Relevant Laws

- **Texas Tort Claims Act**
 - Texas Civil Practice & Remedies Code, §101.001, et seq
 - Provides immunity from suit for the Community Center unless expressly waived
 - Limitations on damages
 - For bodily injury or death - \$100,000 for each person and \$300,000 for each occurrence
 - For property damage - \$100,000 for each occurrence
- **Texas Payday Act**
 - Governmental entities are exempt from provisions of the Pay Day Act
 - Texas Labor Code §61.003
- **Equal Employment Opportunity Commission (EEOC)**
 - Governmental entities are exempt from suit by EEOC
 - Only Department of Justice can sue governmental entities
 - Politely answer the charges, but ALWAYS briefly state you are a governmental entity



Other Relevant Laws

- **National Labor Relations Act (NLRA)**
 - Community Centers are exempt from the NLRA
 - 29 U.S.C. §152
 - Texas law prohibits governmental entities from collectively bargaining with unions
 - Texas Government Code §617.002
- **Fair Labor Standards Act (FLSA)**
 - Special Provisions that allow governmental entities to deduct from exempt employee's pay for parts of days
 - 29 CFR §541.710
- **Occupational Safety and Health Act (OSHA)**
 - Governmental entities are exempt from OSHA requirements
 - Occasionally we get a complaint, but we have a form letter prepared for a response
 - 29 CFR §1975.5



Other Relevant Laws

- **Drug Testing**

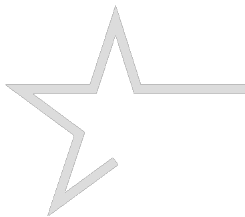
- Texas Attorney General opinion which finds random drug testing of governmental employees in Texas is unconstitutional as is pre-employment and post accident

- **Gratuitous Payment**

- Texas Constitution prohibits gratuitous payments to employees
- Gratuitous payments cannot include severance payments and bonuses unless they are structured correctly

- **Guns**

- Governmental entities may prohibit employees from carrying guns
- Governmental entities cannot prohibit clients or visitors from legally carrying weapons
 - Texas Government Code §411.203



Other Relevant Laws

- **Open Meetings Act**
- **Public Information Act**

The PIA required that either the Board is trained or the Board can delegate training to an employee is the Center.

Don't forget to sign the opt out page!

Health Care Entity

The Center is a health care entity. It's important as board members that you ask three questions:

- Does the Center have a compliance plan?
- Does the Center have a Compliance officer?
- Has the board adopted the center Code of Conduct?

No Gifts!!

- Federal laws about gifts for health care entities are different and much more stringent.
- No gifts: there is no de minimus rule. Take nothing, not a pen, not a coffee mug.
- If the OIG comes in to investigate fraud, these will count as additional crimes.



Community Center Governance

Applicable Statutes, Codes, Rules, etc.

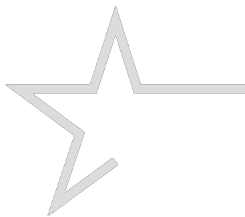
Texas Health and Safety Code, §534.001, et seq

Standards of Administration for Board of Trustees
26 TAC 300.15

Center By-Laws and Center Plan

Texas Government Code §551 and 552

Texas Open Meeting and Public Information Acts



534.002

Sec. 534.002. BOARD OF TRUSTEES FOR CENTER ESTABLISHED BY ONE LOCAL AGENCY.

(a)The board of trustees of a community center established by one local agency is composed of:

(1) the members of the local agency's governing body;

(2) not fewer than five or more than nine qualified voters
who reside in the region to be served by the center and
who are appointed by the local agency's governing body;
and

(3) a sheriff or a representative of a sheriff of a county in the region served by the community center who is appointed by the local agency's governing body to serve as an ex officio nonvoting member.

534.003

Sec. 534.003. BOARD OF TRUSTEES FOR CENTER STABLISHED BY AT LEAST TWO LOCAL AGENCIES

(a) Except as provided by Subsection (a-1), the board of trustees of a community center established by an organizational combination of local agencies is composed of not fewer than five or more than 13 members.

(a-1) In addition to the members described by Subsection (a), the board of trustees of a community center must include:

(1) if the region served by the community center consists of only one county, the sheriff of that county or a representative of the sheriff to serve as an ex officio nonvoting member; or

(2) if the region served by the community center consists of more than one county, sheriffs from at least two of the counties in the region served by the community center or representatives of the sheriffs to serve as ex officio nonvoting members.

Health and Safety Code 533.0351

(a) If a local mental health authority has a governing body, the governing body must include:

(1) for a local authority that serves only one county, the sheriff of the county as an ex officio nonvoting member;

(2) for a local authority that serves two or more counties, two sheriffs chosen in accordance with Subsection (b) as ex officio nonvoting members; and

(3) a veteran selected by a majority of the governing body members.

(b) A local mental health authority that serves two or more counties shall take the median population size of each of those counties and choose:

(1) one sheriff of a county with a population above the median population size to serve as an ex officio nonvoting member under Subsection (a); and

(2) one sheriff of a county with a population below the median population size to serve as an ex officio nonvoting member under Subsection (a).

Health and Safety Code 533.0351

(c) A sheriff may designate a representative to serve in the sheriff's place as an ex officio nonvoting member under Subsection (a). Except as provided by Subsection (c-1), a sheriff or representative of the sheriff serves as an ex officio nonvoting member under Subsection (a) for the duration of the applicable sheriff's term in office.

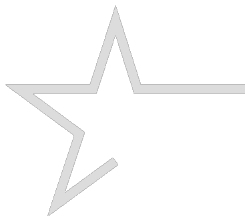
Questions

- Is the veteran an ex-officio non-voting member?
- Is the veteran an addition to the board or a replacement?
- If the center already has a veteran, does this satisfy the new law?

Health & Safety Code

534.006(b) Before a member of the board of trustees may assume office, the member shall attend at least one training session administered by Center's professional staff to receive information relating to:

- 1) The enabling legislation that created the Community Center;
- 2) The programs the Center operates;
- 3) The Center's budget for that program year;
- 4) Results of the most recent formal audit;
- 5) Requirements of Chapter 551 of the Texas Government Code (Open Meetings Act), and Chapter 552 of the Texas Government Code (Public Information Act);
- 6) Requirements of conflict-of-interest laws and other laws relating to public officials; and
- 7) Ethics policies adopted by the Center.

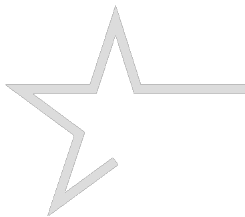


Standards of Administration for Board of Trustees

Annual training:

Training methodologies may include:

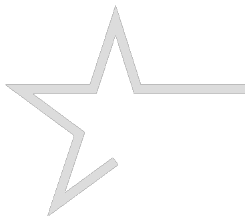
- presentations by staff at regular board sessions;
- on-site program visits;
- statewide and regional training conferences;
- seminars to enhance team building skills;
- regional and cross-training with other community centers and their boards of trustees; and
- formal and informal meetings with tenured trustee members.



Standards of Administration for Board of Trustees

Topics may include:

- risk management;
- budget analysis;
- consumer rights;
- strategic planning; and
- new legislative and contractual requirements of community centers.
-



Health & Safety Code 534.0065

QUALIFICATIONS; CONFLICT OF INTEREST; REMOVAL.

(f) Not later than the date on which a member of the board of trustees takes office by appointment or reappointment and not later than the anniversary of that date, each member shall annually execute and file with the community center an affidavit acknowledging that the member has read the requirements for qualification, conflict of interest, and removal prescribed by this chapter.

Form A

<https://www.hhs.texas.gov/providers/behavioral-health-services-providers/behavioral-health-provider-resources/community-mental-health-contracts>

Form A

10:04

top

form-a

88%

Form A

THE STATE OF TEXAS

COUNTY OF

AFFIDAVIT OF BOARD MEMBER

Before me, the undersigned, on this day personally appeared

who, being by me duly sworn, deposed as follows:

My full name is

and I reside at:

County of Residence:

Mailing Address:

City, the State, Zip:

I am a Board member of

Located in

Texas.

My term of office is

to

I have read and am familiar with the statutory provisions and HHSC rules relating to qualifications, conflicts of interest, and grounds for removal for members of the board of trustees of a community center, contained in Texas Health and Safety Code, §534.0065, accountability for local authority employees and officers, contained in 25 TAC 412B (Contracts Management for Local Authorities), §412.54, and standards of administration for boards of trustees, contained in 25 TAC 411G (Community MHMR Centers), §411.310.

I have read and am familiar with Chapter 171 of the Local Government Code regarding conflicts of interest of officers of municipalities, counties, and certain other local governments.

I have read and am familiar with the current performance contract with HHSC for the current Fiscal Year.

I affirm that I have not and will not participate in any activities that create a conflict of interest or grounds for removal under Texas law.

I affirm that I qualify for appointment to the Board under Texas law.

I affirm that I have not participated in the hiring, nor will I participate in the hiring of a person who is related to any member of the Board by affinity within the second degree or by consanguinity within the third degree.

I agree to report immediately in writing to the Contract Manager any conflict of interest, grounds for removal or disqualification of my membership on the Board that occurs during this fiscal year.

By my signature below, I certify that I have read and understand this document and that the statements that I make herein are correct and complete.

Signature of Board Member

Date

ACKNOWLEDGED, SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned Notary Public, on

this

day of

, 20

Notary Public for the State of Texas

My Commission expires:

Revised 9/1/2021

Form A

Page A - 1

Texas Council

Risk Management Fund

MANAGING RISKS. HELPING PEOPLE.

33

Form A

10:04 88%

form-a

Revised 9/1/2021

Form A

Page A - 1

INSTRUCTIONS FOR THE AFFIDAVITS

All members of the Board of Trustees of community centers must complete and must have a Notary Public notarize the affidavit as indicated.

On the "Affidavit of Board Member" form, the county at the top of the affidavit in the right-hand corner should reflect the county *where the affidavit is being notarized*.

The County of Residence on the "Affidavit of Board Member" form is to be the county of residence for the member. The "Affidavit of Board Member" form is to include the complete mailing address of the member. (The mailing address is to be the address to which all correspondence is to be sent from HHSC and may be different from the home address, but may not be an address that can be accessed by any employee of the center.)

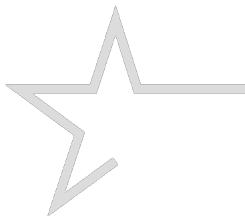
Texas Health & Safety Code

534.008 – Administration of Board

- a) The board of trustees is responsible for the **effective administration** of the community center.
- b) The board of trustees **shall make policies** that are consistent with the department's rules and standards.

534.009 – Board Meetings

- a) The board of trustees shall adopt rules regarding the holding of regular and special meetings.
- b) Board meetings are open to the public to extent required by and in accordance with Chapter 551, Government Code.
- c) The board of trustees shall keep a record of its proceedings in accordance with Chapter 551, Government Code. The record is open for public inspection in accordance with that law.
- d) Board of Trustees shall send to the department of each appointing local agency a copy of approved board meeting minutes.



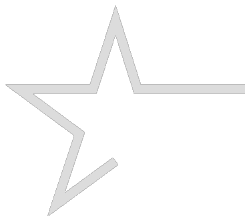
Texas Health & Safety Code

534.010 – Executive Director

- a) The **board of trustees shall appoint an executive director** for the community center

534.011 – Personnel

- a) **The executive director**, in accordance with the policies of the board of trustees, **shall employ and train personnel** to administer the community center's programs and services. The community center may recruit those personnel and contract for recruiting and training purposes.
- b) The board of trustees shall provide employees of the community center with appropriate rights, privileges, and benefits.
- c) The board of trustees may provide workers' compensation benefits.

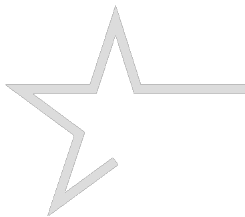


H&SC 534.014 Request for Funds

(a) Each community center **shall annually provide to each local agency that appoints members to the board of trustees** a copy of the center's:

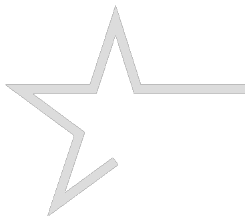
- (1) approved fiscal year operating budget;
- (2) most recent annual financial audit; and
- (3) staff salaries by position.

(b) The board of trustees **shall annually submit to each local agency that appoints the members a request for funds or in-kind assistance to support the center.**



534.021 Approval & Notification

- (a) A community center must **receive from the department prior written approval to acquire real property, including a building**, if the acquisition **involves** the use of department funds or local funds required to match department funds. In addition, **for acquisition of nonresidential property**, the community center **must notify each local agency that appoints members to the board of trustees** not later than the 31st day before it enters into a binding obligation to acquire the property.
- (b) A community center **must notify the department and each local agency that appoints members to the board of trustees** not later than the 31st day before it enters into a binding obligation **to acquire real property, including a building**, if the acquisition **does not** involve the use of department funds or local funds required to match department funds. The commissioner, on request, may waive the 30-day requirement on a case-by-case basis.

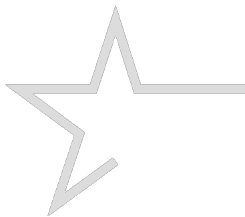


Board of Trustee Authority

The Board of Trustees can only act (1) through a majority vote (2) at a meeting posted in accordance with the Texas Open Meetings Act (3) in which a quorum of the Board of Trustees is present

Individual Board of Trustee members, including the Chair, have no express authority

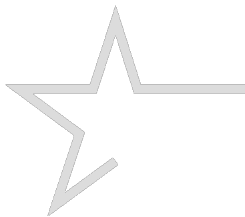
Action, or votes, may only be taken on properly posted items, which usually means listed on the Agenda



Standards of Administration for Board of Trustees

(a) Each board of trustees must:

- (1) retain all financial records, supporting documents, statistical records, and any other documents pertinent to its community center budgets, contracts, performance/workload measure, and persons served for a period of five years. If audit discrepancies have not been resolved at the end of five years, the records must be retained until resolution;
- (2) deposit community center funds through the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or to secure deposits using collateral in a manner that protects the deposited funds; and
- (3) ensure that Department of Aging and Disability Services (DADS) and Department of State Health Services (DSHS) have unrestricted access to all facilities, records, data, and other information under control of the community center or its contractors as necessary to enable DADS and DSHS to audit, monitor, and review all financial and programmatic activities and services associated with the center as provided by Texas Health and Safety Code, §534.033(a).



Standards of Administration con.

(b) Before assuming office receive training on:

(A) The importance of local planning and the role and function of the board of trustees, planning advisory committees, community center staff, and other service organizations;

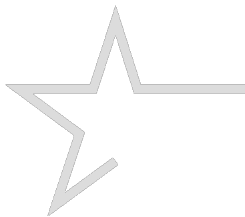
(B) The current philosophies and program principles on which service delivery systems are founded information about the service and support needs of people with mental illnesses, intellectual disabilities, and related conditions, and the range of environments in which those services may be delivered;

Standards of Administration for Board of Trustees

(C) an overview of mental illnesses, mental retardation, and related conditions;

(D) an overview of the current local and state service delivery system, including descriptions of the types of mental health and mental retardation services provided by the community center; and

(E) applicable state and federal laws, rules, standards, and regulations.



Suggested Board of Trustees Code of Conduct

- **Code of Conduct & Governance Agreement**
- As a member of the Board of Directors, I recognize that my primary duty is to provide strategic governance, financial oversight, and mission-driven leadership to the Center. I understand that my authority exists only when the Board acts collectively as a body.
- By signing this agreement, I pledge to uphold the following standards of conduct:
- **1. Separation of Governance and Operations**
- **I will** focus my efforts on high-level policymaking, strategic planning, and financial oversight.
- **I will not** interfere in the day-to-day management, programming, or operations of the Center.
- **I will** respect the chain of command and direct all operational questions or suggestions exclusively to the Executive Director or the Board Chair.
- **I will not give directives, assignments, or instructions to any Center staff member or volunteer**

Code of Conduct (con.)

- **2. The Principle of "One Voice"**
- **I will** actively participate in Board discussions, debate constructively, and vote my conscience.
- **I will** publicly support and uphold all official decisions made by the majority of the Board, regardless of my personal position during the debate.
- **I will not** speak for the Board, represent myself as a spokesperson for the Center, or make statements to the media unless explicitly authorized in writing by the Board Chair.

Code of Conduct (con.)

- **3. Conflicts of Interest and Self-Dealing**
- **I will** immediately disclose any personal, professional, or financial interests that could conflict with the interests of the Center.
- **I will** recuse myself from debating, influencing, or voting on any matter where a conflict of interest exists for myself, my family members, or my business associates.
- **I will not** accept personal loans, gifts, favors, or uncompensated services from the Center, its vendors, or its constituents.

Code of Conduct (con.)

- **4. Confidentiality and Fiduciary Duty**
- **I will** maintain absolute confidentiality regarding all sensitive Center matters, including executive sessions, personnel records, legal issues, and non-public financial data.
- **I will** prepare for all meetings by reviewing financial reports, minutes, and agendas in advance.
- **I will** comply fully with all applicable Texas statutes, including the Texas Business Organizations Code, and, if applicable, Texas Open Meetings and Open Records laws.

Board of Trustees Code of Conduct

- **Board Member Acknowledgment**
- I have read, understood, and agree to abide by this Code of Conduct. I acknowledge that failure to adhere to these standards may result in disciplinary action by the Board, up to and including removal from my position in accordance with the Center's bylaws.
- **Printed Name:** _____
- **Signature:** _____

- **Date:** _____

Code of Conduct (con.)

Do's

- **Speak with one collective voice.**
- **Focus strictly on strategic governance.**
- **Attend every scheduled board meeting.**
- **Review financial reports before meetings.**
- **Disclose all potential conflict interests.**
- **Support the Executive Director publicly.**
- **Respect the center's staff hierarchy.**
- **Maintain absolute confidentiality of records.**
- **Promote the center's community mission.**
- **Follow Texas Open Meetings laws.**

Code of Conduct (con.)

Don'ts

- Do not manage daily operations.
- Do not give individual staff orders.
- Do not speak for the board.
- Do not accept personal center loans.
- Do not miss multiple consecutive meetings.
- Do not hide financial conflict links.
- Do not share closed executive details.
- Do not micromanage the Executive Director.
- Do not use position for profit.
- Do not ignore the center's bylaws.

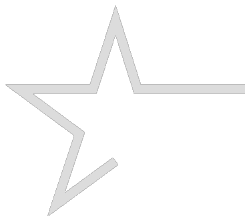
Individual Immunity

Three types of immunity apply to public officials

- Legislative
- Judicial
- Qualified/Official

Absolute Immunity

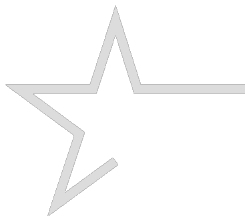
- To be entitled to absolute immunity, the Board member must be performing legislative acts such as Board Resolutions
- An individual is shielded by absolute immunity, which applies even when the individual is acting in bad faith
- However, the Board may incur liability for the individual's bad acts



Qualified/Official Immunity

To be entitled to official immunity, the Board member must be:

- Performing discretionary (not ministerial) duties
 - A discretionary act involves personal deliberation, decision and judgment
 - A ministerial act is one that is prescribed and defined by the law with such precision and certainty as to leave nothing to the exercise of discretion or judgment
- In good faith
 - Would a reasonably prudent person in the same or similar circumstances have taken the same actions
- Within the scope of his authority
 - Immunity does not protect a board member from, and a member may be personally liable for, acts that exceed the authority conferred by law, such as false, defamatory statements



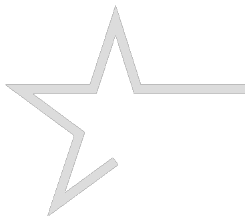


Open Meetings Act

Quick Tips

Quick Tips – Preparing to Meet

- A quorum of members is able to attend the board meeting.
- New board members have received the appropriate orientation materials.
- When determining the time and location of the board meeting the needs of the community were considered.
- A public meeting notice providing the date, hour, place and topics that will be covered was posted at a place convenient to the public at least 72 hours before the scheduled time of the meeting unless an emergency meeting is being called.
- If the board meeting is going to be conducted remotely, board members and the public have been properly notified of how they can participate in the meeting through the use of technology.
- A meeting agenda, which includes a description of the items that will be discussed and acted upon, has been developed and publicly posted prior to the meeting.
- A board packet was developed for board members that includes a description of the items that will be discussed including important background information and any supporting documentation.



New laws

- HB 3212 Adds discussion of cyber security to closed session.
- HB 5534 The county clerk may now post meetings electronically.
- HB 1522 If the budget is being discussed, it must be available to the public including on the center website.
- HB 2520 Notice must be specific.

Quick Tips - Conducting Board Business

- A quorum of board members are present.
- The board meeting is open to the public.
- Time is provided in the board agenda for public comment and feedback.
- There is an agenda for the board meeting, and it is being followed.
- Board members who have a conflict of interest in regard to an action taken by the board are reminded to abstain from voting.
- The board has developed and follows bylaws which provide details on how board business is to be conducted; how committees are to be formed and function; and the procedure for calling emergency and closed meetings.
- Someone has been designated to tape record the meeting or to take meeting minutes which include a description of any proposed action item, discussed and decided including a record, of any orders, votes, decisions or actions taken.

Quick Tips – Going into Closed Session

- The board first convenes in open session.
- The closed session item is on the agenda and the legal basis must be specific enough to give the public notice of the item.
- Chair announces the closed session and reads the agenda item with the time.
- Closed session is held.
- Board reconvenes in open session and may vote on an agenda item.
- A certified agenda is kept of the closed session. This is a brief description of the item discussed.

Quick Tips – After the meeting

- A tape recording of the board meeting or meeting minutes are made available to the public for their review upon request.
- Committees are working to prepare for future meetings.
- The board chair is gathering input for future agenda items.
- Action items from the meeting are assigned and follow up is monitored

