

Harris County

Handbook for Appointed Members of Boards and Committees

2013



Vince Ryan
Harris County Attorney

Dear Board Members and Committee Persons:

Thank you for your willingness to serve the residents of Harris County as an appointed member of a local board or committee. In our democracy, government is of the people, by the people, and for the people. Local government is the form of government closest to us in our everyday lives, and the one we are most able to influence.

Expectations of board and committee service are varied and are based upon the needs and policy goals of each board or committee. Most board and committee seats are volunteer positions. Public members of boards and commissions are people who may have an expertise in an area that is needed for a particular objective, or may be just the opposite and not have regular, ongoing experience in a specific topic area, but have a general interest in a particular board's or commission's work.

Members and officers must carefully guard against even the appearance of a business or financial conflict of interest. They should also monitor employees and volunteers to make sure they have no conflicts of interest and are not benefiting financially in any way other than through board-approved compensation. Officers must comply with fiduciary duties of care, loyalty to the organization's highest good, and obedience to the law.

Finally, transparency is encouraged and enforceable through avenues such as mandatory disclosure requirements and conflict of interest filings, the Public Information Act, and the Open Meetings Act.

We hope this guide will be of use. We encourage you to take advantage of the links provided to gain additional information and to call upon us if you have particular questions.

With regards,

A handwritten signature in blue ink, appearing to read "Vince Ryan", is written over the typed name and title.

VINCE RYAN
Harris County Attorney

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I. Appointment

Board and committee members appointed by Harris County Commissioners Court have a responsibility to the public because the entities they serve on, in most cases, are governmental in nature. An entity supported, in whole or in part, by public funds or that spends public funds is considered a governmental body under section 552.003(1)(A)(xii) of the Texas Government Code. Public funds are “funds of the state or of a governmental subdivision of the state.”¹

The general conflict of interest laws, for city and county officials as well as officials of other political subdivisions of the State of Texas, are found in chapter 171 of the Texas Local Government Code. Chapter 171 establishes the standard for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide, or vote on a particular item.² Chapter 171 conflict of interest provisions apply to local public officials.³ Within a governmental unit, “local public officials” are defined to include:

- 1) elected officials such as the members of the city council or county commissioners (whether paid or unpaid); and
- 2) ***appointed officials (paid or unpaid)*** who exercise responsibilities that are more than advisory in nature⁴ [*emphasis added*].

Generally, appointees to boards and committees follow the same procedures and requirements as elected officials (unless the board is completely advisory in nature). In many instances, Texas statutes require that such boards and committees be treated the same as elected groups. For example, the Public Information Act applies to information of every governmental body. “Governmental body” is defined to mean:

- (i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;
- * * * * *
- (iv) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;⁵

In addition, many boards such as the Harris County Sports and Convention Corporation and the Harris County Redevelopment Authority, are recognized as domestic nonprofit corporations. This means chapter 12 of the Texas Business Organizations Code gives the Office of Attorney General (OAG) broad authority to “examine” their records.⁶

¹ Tex. Gov’t Code Ann. § 552.003(1)(A)(xii) (West 2012).

² Tex. Loc. Gov’t Code Ann. § 171.002 (West 2008).

³ *Id.* § 171.001(1).

⁴ *Id.*

⁵ Tex. Gov’t Code Ann. § 552.003 (West 2012).

⁶ Tex. Bus. Orgs. Code Ann. § 12.151 (West 2012).

An example of when the OAG conducted such an examination occurred in November 2012. After a year-and-a-half investigation into the Daughters of the Republic of Texas (DRT), the OAG announced the DRT did not properly preserve and maintain the Alamo, misused state funds for the organization's own benefit, failed to recognize or address conflicts of interest, and allowed its own organizational prerogatives to interfere with its duty to act in the best interests of the State of Texas and the Alamo.⁷ Ultimately, the Texas Legislature transferred custody of the Alamo to the General Land Office, and the OAG elected not to pursue charges.

For additional information see:

- Harris County voluntary lobbyist registration policy, Harris County statement of ethics, ethics training mandate, provisions for Harris County Ethics Committee, and requirements for posting online of all campaign and personal financial disclosure forms - <http://www.harriscountytexas.gov/CmpDocuments/63/Doc/Ethics%20Policy.pdf>
- Texas Attorney General - 2012 Texas Conflict of Interest Laws Made Easy - https://www.oag.state.tx.us/AG_Publications/pdfs/conflict_easy.pdf
- Texas Attorney General – 2012 Texas Ethics, Gift & Honorarium Laws Made Easy - https://www.oag.state.tx.us/AG_Publications/pdfs/ethics_easy.pdf
- Texas Attorney General - Traps for the Unwary 2006 - https://www.oag.state.tx.us/AG_Publications/pdfs/2006trapshb.pdf
- Texas Attorney General - Report to the Texas Legislature Investigation of The Daughters of the Republic of Texas - https://www.oag.state.tx.us/AG_Publications/pdfs/OAG_Alamo_Report.Nov.2012.pdf

II. Fiduciary Duty

A “fiduciary” is required to act for the benefit of another person on matters within the scope of their relationship. A fiduciary owes to another the duties of good faith, trust, confidence, and candor, and a fiduciary must exercise a high standard of care in managing another's money or property.⁸ A “duty” means a legal obligation that is owed or due to another and that needs to be satisfied. A duty is an obligation for which someone else has a corresponding right.⁹

Members of boards and committees are expected to put the interest of the organization and Harris County over their own interests or the interests of family members and other businesses or organizations with which they might be involved.

Becoming a board or committee member of an organization carries with it certain legal obligations that are not excused by the argument, “I’m only a volunteer.” Board or committee

⁷ Report to the Texas Legislature Investigation of The Daughters of the Republic of Texas, Texas Attorney General (March 6, 2013) https://www.oag.state.tx.us/AG_Publications/pdfs/OAG_Alamo_Report.Nov.2012.pdf .

⁸ Fiduciary, Black's Law Dictionary (9th ed. 2009).

⁹ Duty, Black's Law Dictionary (9th ed. 2009).

members must carry out duties with the same degree of care that would be used by a reasonable, prudent person in the same position. A member who breaches these duties may be subject to civil or criminal penalties, especially if the member has personally benefitted from any action or inaction. Members should, therefore, treat their positions with the same diligence that they would give to their own affairs and the same diligence as being on the board of a for-profit corporation.

When performing duties, we recommend that a board or committee member consider the following guidelines:

A. Duty of Care.

Be informed and involved, actively participate in discussions and meetings, ask questions, rely on dependable sources of information, and hold staff and other members accountable.

Steps to Help Fulfill the Duty of Care:

1. Regularly attend board and committee meetings.
2. Take notes of board and committee meetings.
3. Prepare for board and committee meetings by reading reports received before the meeting.
4. Ask questions and get enough information necessary to make informed decisions.
5. Use your own judgment rather than rubber-stamping staff or other board member's requests.

B. Duty of Loyalty.

Put the interests of the organization over personal interests, the interests of family members, and other businesses or organizations.

Steps to Help Fulfill the Duty of Loyalty:

1. File appropriate conflict of interest disclosures.
2. Do not participate in transactions that might harm the organization because it is not in the best interest of the organization or the public.
3. Do not participate in transactions that compete with the organization's interests.
4. Do not make decisions for the organization based upon personal gain.

C. Duty of Compliance.

Appointees have a duty to be faithful to the organization's mission, bylaws, and applicable law.

Steps to Help Fulfill the Duty of Compliance:

1. Regularly review the organization's bylaws, mission, and policies.
2. Appoint a committee to review compliance with the organization's policies.
3. Be familiar with state and federal laws applicable to the board or committee.

4. Develop a strategic plan to set the entity's goals, address weaknesses, and recognize strengths. The strategic plan should set the framework for board meeting agendas and set priorities for committees.

D. Duty of Proper Maintenance of Accounts.

Appointees have a duty to ensure the financial stability and accountability of the entity.

Steps to Help Fulfill the Duty of Proper Maintenance of Accounts:

1. Ensure the organization keeps board minutes of decisions concerning expenses and investments, including some detail of the discussions that took place to show that the decision making was informed.
2. Develop a financial management policy that designates what expenditures can be made by the agency, or executive committee of officers, and what expenditure decisions must be made by the full board or committee.
3. Create an annual budget that clearly provides a blueprint for the entity's spending and intended sources of income.
4. Keep accurate financial records that are regularly provided to and approved by the full board.
5. Ensure that monies designated for specific purposes are segregated from other funds in financial reports.

For additional information see:

- National Center for Nonprofit Boards - "Ten Basic Responsibilities of Nonprofit Boards" - http://www.nami.org/Content/NavigationMenu/NAMI_Center_for_Excellence/Tools_for_Excellence/TenBasicResponsibilitiesofNonprofitBoards.pdf
- National Council of Nonprofits – "Principles and Practices" - <http://www.councilofnonprofits.org/resources/principles-and-practices>
- Better Business Bureau Charities and Donors Site - <http://www.bbb.org/us/charity/>

III. Conflict of Interest

Chapter 171 of the Texas Local Government Code prohibits a local public official from participating in a vote on a matter involving a business entity or real property in which the official has a substantial interest if it is reasonably foreseeable that an action on the matter would confer an economic benefit on the business entity or real property.¹⁰ A violation of chapter 171 of the Texas Local Government Code does not render an action of the governing body voidable unless the measure would not have been approved without the vote of the person who violated its

¹⁰ Tex. Loc. Gov't Code Ann. § 171.004 (West 2008).

provisions,¹¹ but the person who knowingly violates its requirements commits an offense punishable as a Class A misdemeanor.¹²

In general, do not ask for or accept any benefit as consideration for your discretion as a public servant.¹³ Do not ask for or accept gifts, favors, or anything of value from a current or potential vendor or customer even if it is not in exchange for an exercise of discretion.¹⁴

Additionally, if an individual directly or indirectly has a pecuniary interest in a contract, no matter how honest the person may be, such a contract violates the spirit and letter of the law and is against public policy.¹⁵ In fact, if a district or county attorney learns that a board or committee member is neglecting or abusing his or her position, the district or county attorney may initiate proceedings to compel performance to preserve and protect the public interest.¹⁶

For additional information see:

- Harris County voluntary lobbyist registration policy, Harris County statement of ethics, ethics training mandate, provisions for Harris County Ethics Committee, and requirements for posting online of all campaign and personal financial disclosure forms - <http://www.harriscountytexas.gov/CmpDocuments/63/Doc/Ethics%20Policy.pdf>
- Texas Ethics Commission: <http://www.ethics.state.tx.us>
 - Publications & Guides: <http://www.ethics.state.tx.us/main/guides.htm>
 - Personal Financial Statement: <http://www.ethics.state.tx.us/pamphlet/B11pfs.pdf>
 - On Line Ethics Training: <http://www.ethics.state.tx.us/main/training.htm>
 - Guide to Ethics Laws: <http://www.ethics.state.tx.us/guides/G08o&e.pdf>
 - Conflict forms: http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm
- Texas Attorney General – 2012 Texas Ethics, Gift & Honorarium Laws Made Easy - https://www.oag.state.tx.us/AG_Publications/pdfs/ethics_easy.pdf
- Texas Attorney General - 2012 Texas Conflict of Interest Laws Made Easy - https://www.oag.state.tx.us/AG_Publications/pdfs/conflict_easy.pdf

IV. Misuse of Government Property (Criminal)

When reviewing the use of government equipment or other governmental resources, and whether certain use is a violation of the Texas Constitution, the courts and Texas Attorney General have looked less at the extent or character of the work, but more at for whose benefit it was performed. Generally, a public purpose will benefit the local population, not merely a select

¹¹ *Id.* § 171.006.

¹² *Id.* § 171.003; see *Walk v. State*, 841 S.W.2d 430 (Tex. App.–Corpus Christi 1992, writ ref'd) (discussing “knowing” violation as well as other issues involved in criminal prosecution under chapter 171 of Texas Local Government Code).

¹³ Tex. Penal Code Ann. § 36.02(a)(1) (West 2011).

¹⁴ *Id.* § 36.10(a)(6).

¹⁵ *Meyers v. Walker* 276 S.W. 305, 307 (Tex. Civ. App.–Eastland 1925, no writ).

¹⁶ Tex. Gov’t Code Ann. § 41.009 (West 2004).

group of persons.¹⁷ Section 39.02(a)(2) of the Texas Penal Code provides that a public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, the public servant intentionally or knowingly:

Misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.¹⁸

The penalty for violating section 39.02(a)(2) of the Texas Penal Code ranges from a Class C misdemeanor to a first degree felony, depending on "the value of the use of the thing misused."¹⁹ "Misuse" means to deal with property contrary to:

- (A) an agreement under which the public servant holds the property;
- (B) a contract of employment or oath of office of a public servant;
- (C) a law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
- (D) a limited purpose for which the property is delivered or received.²⁰

The basic principle is simple: a governmental entity should not expend resources except for legitimate public purposes that the governmental body is authorized to pursue. Using governmental personnel for personal gain is also prohibited.

For additional information see:

- Texas Ethics Commission: <http://www.ethics.state.tx.us>
 - Publications & Guides: <http://www.ethics.state.tx.us/main/guides.htm>
 - Personal Financial Statement: <http://www.ethics.state.tx.us/pamphlet/B11pfs.pdf>
 - On Line Ethics Training: <http://www.ethics.state.tx.us/main/training.htm>
 - Guide to Ethics Laws: <http://www.ethics.state.tx.us/guides/G08o&e.pdf>
 - Conflict Forms: http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm
- Texas Attorney General – 2012 Texas Ethics, Gift & Honorarium Laws Made Easy https://www.oag.state.tx.us/AG_Publications/pdfs/ethics_easy.pdf

V. The County Purchasing Act (CPA)

The board or committee organization you serve on may fall under the CPA. There are instances where statutes mandate an organization be subject to the CPA. In other situations agreements between an organization and Harris County may require the use of the CPA. The following is a short synopsis of the CPA.

Under the CPA:

¹⁷ 35 Tex. Prac., County and Special District Law § 12.7 (2d ed.).

¹⁸ Tex. Penal Code Ann. § 39.02(a)(2) (West 2011).

¹⁹ *Id.* § 39.02(c).

²⁰ *Id.* § 39.01(2).

- “Purchase” means any kind of acquisition including by lease or revenue contract.
- A purchase for \$50,000 or less may be informally bid, and a purchase exceeding \$50,000 must be competitively bid.
- An organization’s procurement may require using the Harris County Purchasing Agent. Contact Harris County Purchasing with questions at 713-755-5036.
- If an organization procures its own goods and services, approval by the board or committee members also results in the certification by the board or committee members that appropriate steps were taken to legally procure the good or services.

If an organization is subject to the CPA and the organization does not follow proper procurement procedures, board or committee members may be subject to criminal penalties including both Class A or Class C misdemeanors for each separate violation of the CPA.

Additional potential problems:

The general rule for a taxpayer to bring suit for misuse of tax dollars requires a taxpayer to show that the taxpayer has suffered a particularized injury distinct from that suffered by the general public.²¹ However, Texas law permits an exception to this general rule. A taxpayer has standing to sue in equity to enjoin the illegal expenditure of public funds even without showing a distinct injury.²² A citizen and property taxpayer may maintain an action to restrain an officer from performing illegal, unauthorized, and unconstitutional acts, and may sue to prevent the illegal expenditures of money or taxes collected.²³

For additional information see:

- Harris County Purchasing Manual - <http://www.harriscountytexas.gov/CmpDocuments/33/Documents/PurchasingManual.pdf>
- Texas Attorney General Opinions relating to competitive bidding and proposals - <https://www.oag.state.tx.us/opin/opinions.php?headingID=18>

VI. The Office of the Harris County Auditor

The Office of the County Auditor keeps general accounting records; prepares financial reports; prescribes systems for receipts and disbursements; audits and processes accounting transactions for grants, payroll, and invoices; verifies compliance with governing laws; performs statutory reviews of records maintained by other officials; and, prepares annual estimates of budget revenues.

²¹ *Bland Independent School Dist. v. Blue*, 34 S.W.3d 547, 555-56 (Tex. 2000).

²² *Id.* at 556.

²³ *Anderson v. Houts*, 240 S.W. 647, 649 (Tex. Civ. App.—San Antonio 1922, no writ).

The County Auditor, by law, has oversight of financial books and records of officers of the County, including many boards and committees. The County Auditor is charged with administering the county budget. Your duty as a board or committee member requires full cooperation with an audit. You need to inquire whether the County Auditor audits your books on a yearly basis. If not, you should consider procuring the services of an outside auditor to ensure the veracity of the financial records and the board or committee's compliance with applicable laws and regulations.

For additional information see:

- Office of the Harris County Auditor - <http://www.harriscountytexas.gov/Auditor/default.aspx>
- Office of the Harris County Auditor - "What is a County Auditor?" - http://www.harriscountytexas.gov/cmpdocuments/66/misedocs/what_is_a_county_auditor-taca_seal.pdf
- Office of the Harris County Auditor – Division Details and Responsibilities - <http://www.harriscountytexas.gov/Auditor/about.aspx>

VII. Open Meetings/Public Information Act

Since January 1, 2006, elected and appointed public officials are required by state law to receive training in Texas open government laws. The Open Meetings Act (Texas Government Code section 551.005 *et. seq.*) and the Public Information Act (Texas Government Code section 552.012 *et. seq.*) impose mandatory open government educational requirements on elected and appointed officials who are subject to the those laws. The Office of the Attorney General offers free video training courses, which were developed in compliance with the statutory mandate that the Attorney General establish formal training to ensure that elected and appointed government officials have a good command of both open records and open meetings laws.

The following information provides only a brief summary of the acts. Please see the "for additional information" segment following this section and the "Links" page provided in the appendix for more details on classes to meet minimum requirements.

Texas Open Meetings Act

The Texas Open Meetings Act (TOMA) was adopted to help make governmental decision making accessible to the public. It requires meetings of governmental bodies to be open to the public, except for expressly authorized closed sessions,²⁴ and to be preceded by public notice of the time, place, and subject matter of the meeting. The provisions of TOMA are mandatory and are to be liberally construed in favor of open government."

²⁴ The term "executive session" is often used to mean "closed meeting," even though the Act uses the latter term. See Tex. Gov't Code Ann. § 551.101 (West 2012). See *Cox Enters., Inc. v. Bd. of Trs.*, 706 S.W.2d 956, 957 (Tex. 1986) (stating that an executive session is a meeting or part of a meeting that is closed to the public).

Decisions are entrusted to governmental bodies, committees, and boards. It is generally a requirement that such decisions must be made by the body as a whole at a properly called meeting. This requirement gives each member of the body an opportunity to state his or her views to other board or committee members and to give them the benefit of his or her judgment, so that the decision “may be the composite judgment of the body as a whole.”²⁵

The authority vested in a governmental body may be exercised only at a meeting of a quorum of its members. TOMA defines “quorum” as a majority of the governing body, unless otherwise defined by applicable law or the governing body’s charter.²⁶ In addition, prior to any meeting there must have been proper “notice.”

TOMA requires written notice of all meetings. Section 551.041 of the act provides:

A governmental body shall give written notice of the date, hour, place and subject of each meeting held by the governmental body.²⁷

A governmental body must give the public advance notice of the subjects it will consider in an open meeting or a closed session.²⁸ The notice must be sufficient to apprise the general public of the subjects to be considered during the meeting.²⁹ Notice of a meeting generally must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting.³⁰ Failure to abide by TOMA can result in governmental actions being voided.³¹

Texas Public Information Act

The Texas Public Information Act (PIA) was adopted in 1973. The purpose of the PIA is to maintain the people’s control “over the instruments they have created.” The PIA requires the Office of the Attorney General to construe the PIA liberally in favor of open government.³²

The Public Information Act applies to information of every “governmental body.” Governmental body is defined in section 552.003(1)(A) of the Texas Government Code to mean among others:

- (i) a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members;

* * * * *

²⁵ *Webster v. Tex. & Pac. Motor Transp. Co.*, 140 Tex. 131, 135, 166 S.W.2d 75, 77 (1942).

²⁶ Tex. Gov’t Code Ann. § 551.001(6) (West 2012).

²⁷ *Id.* § 551.041.

²⁸ *Cox Enters.*, 706 S.W.2d at 958; *Porth v. Morgan*, 622 S.W.2d 470, 475–76 (Tex. App.—Tyler 1981, writ ref’d n.r.e.).

²⁹ *City of San Antonio v. Fourth Court of Appeals*, 820 S.W.2d 762 (Tex. 1991).

³⁰ Tex. Gov’t Code Ann. § 551.043(a) (West 2012).

³¹ *Id.* § 551.141.

³² *Id.* § 552.001(b).

- (iv) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;³³

If the board or committee you are on is anything more than an advisory board, that is, it votes on matters that binds the county in some way, or makes decisions that involve use of public equipment, monies, or employees, you are likely functioning as a public arm and subject to the Public Information Act. The PIA can even apply to private entities if a governmental body makes an unrestricted grant of funds for its general support.³⁴

Penalties for failing to respond appropriately to a public information request can result in a mandatory release of all documents associated with the request,³⁵ attorney fees,³⁶ and criminal penalties including jail time and fines not to exceed \$1,000 or both.³⁷

For additional information see:

- Texas Attorney General Open Government Training - https://www.oag.state.tx.us/open/og_training.shtml
- Texas Attorney General Open Meetings Video Training - <https://www.oag.state.tx.us/media/videos/play.php?image=2005openmeetings&id=149>
- Texas Attorney General Open Meetings Handbook – https://www.oag.state.tx.us/AG_Publications/pdfs/openmeeting_hb.pdf
- Texas Attorney General Open Meetings Act Made Easy https://www.oag.state.tx.us/AG_Publications/pdfs/openmeetings_easy.pdf
- Texas Attorney General Public Information Act – <https://www.oag.state.tx.us/media/videos/play.php?image=2005openrecords&id=150>
- Texas Attorney General Public Information Act Handbook – https://www.oag.state.tx.us/AG_Publications/pdfs/publicinfo_hb.pdf

VIII. What to review and monitor

Boards and committees can maximize internal audits by regularly reviewing key documents, including:

- Periodic risk assessment (identifies and prioritizes risks the entity faces).
- Internal and external audit reports containing detailed audit issues and recommendations.

³³ *Id.* § 552.003(1)(A).

³⁴ Tex. Att’y Gen. ORD-228 (1979).

³⁵ Tex. Gov’t Code Ann. § 552.302 (West 2012).

³⁶ *Id.* § 552.323(b).

³⁷ *Id.* §§ 552.352(b), 552.353(e).

- Quarterly or yearly audit reports.
- Itemized budgets by department.
- Review of an organization's codes of conduct, for instance, regarding employees allowed to accept expensive dinners, tickets to events, gifts, to what extent, and to whom must they be reported).
- Review and request updates to management's responses to allegations of misconduct and public information requests.

Additionally boards and committees should:

- Ensure the retention of legal documents.
- Ensure the organization's compliance with legal and regulatory requirements.
- Ensure employees and staff receive frequent training on compliance with applicable laws.
- Review and understand all agreements and contracts up for review, being discussed, and voted on or approved.
- Ask questions. If there is something about a document you do not understand, you have a duty to investigate before approving.

IX. Summary

Your willingness to serve on a board or committee is of great value to the public. Your obligation is more than simply rubberstamping matters. You have a significant responsibility to the people of Harris County. The following pages in this packet include worksheets to assist you in your new role. Additionally, included is a list of relevant governmental offices that may be helpful in answering additional questions and a summary page that includes a listing of the links included throughout this packet. We wish you, and the board or committee on which you serve, success.

Appendix A

Questions to Ask About Your Board or Committee.

The board or committee on which you serve may be a sub-part of a larger board or organization. The following questions may, or may not, directly apply depending on the structure of the board or committee. Regardless, open discussion about these matters will assist you in gaining insight as to how your board or committee functions and operates.

Was this board committee created by law or established by the Harris County Commissioners Court?

What are the board or committee's basic rules, policies, and procedures?

Is there an organizational chart/hierarchy for the board or committee?

How many members serve on the board or committee? How many are required for a quorum? How many are required for a majority vote?

What is the mission, goal, or objective of the board or committee as well as the organization (if applicable)?

Is the board or committee limited to advisory decisions only?

Who maintains the board's, committee's, and organization's internal and external audit reports?

Does the organization have the authority to enter into contracts without the approval of the board or committee? If so, under what circumstances? Does the board or committee have the authority to enter into contracts without the approval of Commissioners Court? If so, under what circumstances?

Does the board or committee fall under the authority of the County Purchasing Act (CPA)?

Is the board, committee, or organization audited by the Harris County Auditor? Is an outside auditor used to perform or supplement the yearly audit?

Who provides legal counsel to the board or committee? Does the County Attorney, or a private firm, provide legal counsel to the organization?

Who handles public notices for the board or committee?

Who handles public information requests for the board or committee?

Am I obligated as a member of this body to file conflict of interest disclosures?

Appendix B

Harris County Contact Information

Judge Ed Emmett
Harris County Judge
1001 Preston, Suite 911
Houston, Texas 77002
(713) 755-4000
(713) 755-8379 Fax

El Franco Lee
Harris County Commissioner Precinct One
1001 Preston, 9th Fl.
Houston, Texas 77002
(713) 755-6111
(713) 755-6114 Fax

Steve Radack
Harris County Commissioner Precinct Three
1001 Preston, 9th Fl.
Houston, 77002
(713) 755-6306
(713) 755-8928 Fax

Jack Morman
Harris County Commissioner Precinct Two
1001 Preston, Rm. 924
Houston, Texas 77002
(713) 755-6220
(713) 755-8810 Fax

R. Jack Cagle
Harris County Commissioner Precinct Four
1001 Preston, 9th Fl.
Houston, Texas 77002
(713) 755-6444
(713) 755-8801 Fax

Vince Ryan
Harris County Attorney
1019 Congress, 15th Fl.
Houston, Texas 77002
(713) 755-5101
(713) 755-8924 Fax

Barbara J. Schott
County Auditor
1001 Preston, 8th Fl.
Houston, Texas 77002
(713) 755-6505
(713) 755-8932 Fax

Kelly E. Johnson
Purchasing Agent
1001 Preston, Suite 670
Houston, Texas 77002
(713) 755-5036
(713) 755-6695 Fax

See also: <http://www.harriscountytexas.gov/>

Appendix C

Links:

Harris County Links

- Harris County voluntary lobbyist registration policy, Harris County statement of ethics, ethics training mandate, provisions for Harris County Ethics Committee, and requirements for posting online of all campaign and personal financial disclosure forms - <http://www.harriscountytexas.gov/CmpDocuments/63/Doc/Ethics%20Policy.pdf>
- Harris County Auditor's Office - <http://www.harriscountytexas.gov/Auditor/default.aspx>
- Harris County Auditor's Office - "What is a County Auditor?" - http://www.harriscountytexas.gov/cmpdocuments/66/miscdocs/what_is_a_county_auditor-taca_seal.pdf
- Harris County Auditor's Office – Division Details and Responsibilities - <http://www.harriscountytexas.gov/Auditor/about.aspx>
- Harris County Purchasing Manual - <http://www.harriscountytexas.gov/CmpDocuments/33/Documents/PurchasingManual.pdf>

Open Government Training - https://www.oag.state.tx.us/open/og_training.shtml

- Texas Attorney General Open Government Training - https://www.oag.state.tx.us/open/og_training.shtml
- Open Meetings video training - <https://www.oag.state.tx.us/media/videos/play.php?image=2005openmeetings&id=149>
- Open Meetings handbook –
- https://www.oag.state.tx.us/AG_Publications/pdfs/openmeeting_hb.pdf
- Open Meetings Act Made Easy
- https://www.oag.state.tx.us/AG_Publications/pdfs/openmeetings_easy.pdf
- Public Information Act –
- <https://www.oag.state.tx.us/media/videos/play.php?image=2005openrecords&id=150>
- Public Information Act Handbook –
- https://www.oag.state.tx.us/AG_Publications/pdfs/publicinfo_hb.pdf

Conflicts of Interest/Ethics

Texas Ethics Commission: <http://www.ethics.state.tx.us>

- Publications & Guides: <http://www.ethics.state.tx.us/main/guides.htm>
- Personal Financial Statement: <http://www.ethics.state.tx.us/pamphlet/B11pfs.pdf>
- On Line Ethics Training: <http://www.ethics.state.tx.us/main/training.htm>

- Guide to Ethics Laws: <http://www.ethics.state.tx.us/guides/G08o&e.pdf>
- Conflict forms: http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm

Other

- Texas Attorney General – 2012 Texas Ethics, Gift & Honorarium Laws Made Easy
https://www.oag.state.tx.us/AG_Publications/pdfs/ethics_easy.pdf
- Texas Attorney General - 2012 Texas Conflict of Interest Laws Made Easy -
https://www.oag.state.tx.us/AG_Publications/pdfs/conflict_easy.pdf
- Traps for the Unwary - https://www.oag.state.tx.us/AG_Publications/pdfs/2006trapshb.pdf
- Texas Attorney General Opinions relating to competitive bidding and proposals -
<https://www.oag.state.tx.us/opin/opinions.php?headingID=18>
- National Center for Nonprofit Boards - “Ten Basic Responsibilities of Nonprofit Boards” -
http://www.nami.org/Content/NavigationMenu/NAMI_Center_for_Excellence/Tools_for_Excellence/TenBasicResponsibilitiesofNonprofitBoards.pdf
- National Council of Nonprofits – “Principles and Practices” -
<http://www.councilofnonprofits.org/resources/principles-and-practices>
- Better Business Bureau Charities and Donors Site - <http://www.bbb.org/us/charity/>