

Task Force of Border Health Officials

Bylaws

1. Name and Legal Authority

The Task Force of Border Health Officials (Task Force) is established in accordance with Texas Health and Safety Code, Chapter 120 (Task Force of Border Health Officials).

Texas Government Code Chapter 2110 (State Agency Advisory Committees) does not apply to the Task Force. This Task Force is abolished on September 1, 2029 unless continued in existence as provided by Chapter 325, Government Code (Texas Sunset Act).

2. Purpose and Role

The purpose and tasks of the Task Force are to advise the DSHS Commissioner on matters as described below:

- A. Policy priorities addressing major issues affecting the border region residents' health and health conditions;
- B. Raising public awareness of the issues described above; and
- C. Other health issues impacting the border region as determined by the DSHS Commissioner.

The Task Force submits reports and recommendations as described below:

- A. The Task Force studies and makes recommendations relating to the health problems, conditions, challenges, and needs of the population in the border region; and
- B. The Task Force submits a report of recommendations to the DSHS Commissioner for short-term and long-term border plans not later than November 1 of each even-numbered year.

C. The long-term plan identifies health objectives proposed to be accomplished before the ninth anniversary of the date the plan is adopted.

3. Definitions

Border region - the area consisting of the counties immediately adjacent to the international boundary between the United States and Mexico

Commissioner - the commissioner of DSHS

Conflict of interest: A situation in which a member has a personal or private interest where they could benefit from actions or decisions made in their official capacity.

DSHS - the Texas Department of State Health Services

HHS Executive Commissioner - the executive commissioner of HHS

HHS - Texas Health and Human Services, which consists of HHSC and DSHS

HHSC - the Texas Health and Human Services Commission

High Level of Integrity: For purposes of these bylaws, this means that the member is honest and behaves in a morally upright way, at a level above a normal or average level, such that the public's trust in the member is warranted. A high level of integrity includes disclosing conflicts of interest as required by HHS policy and these bylaws.

OBPH - DSHS Office of Border Public Health

Personal or private interest: An interest that does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private financial interest, in giving feedback on the subject matter.

SME – Subject Matter Expert

4. Task Force Composition

As described in Texas Health and Safety Code, § 120.053, the Task Force is composed of:

- A. Health department directors appointed under the Texas Health and Safety Code § 121.033, from each county in the border region and from each municipality in the border region that has a sister city in Mexico;
- B. Two *ex officio*, non-voting members who are members of the Legislature, one appointed by the Lieutenant Governor and one appointed by the Speaker of the House; and
- C. Additional members appointed by the DSHS Commissioner.

5. Member Terms

A health department director serves as a member of the Task Force as long as that person is the director of a health department. A member of the Legislature serves a three-year term as provided by the Texas Health and Safety Code, § 120.053. A member appointed by the DSHS Commissioner serves at the discretion of the DSHS Commissioner.

6. Resignations and Vacancies

A member of the Task Force shall submit his or her resignation in writing to the Chair and to the DSHS Commissioner, with a copy to OBPH.

If a vacancy occurs, a person shall be appointed to fill the vacancy in the same manner as the original appointment.

7. Presiding Chair and Vice-Chair

The DSHS Commissioner designates a Chair and a Vice-Chair from among the Task Force members. The Chair and Vice-Chair shall each serve a term of two years, starting on September 1 of an even-numbered year and ending on August 31 of the next odd-numbered year. The Chair and Vice-Chair may serve no more than two consecutive

terms. If an officer vacancy occurs, the DSHS Commissioner will designate a replacement.

The role of the Chair or, in the Chair's absence, the Vice-Chair, is to:

- A. Report to DSHS' Office of Border Public Health;
- B. Participate in agenda planning and preparation for Task Force meetings;
- C. Provide leadership in conducting Task Force meetings;
- D. Promote, maintain, and encourage a participatory environment;
- E. Identify the need for, and work with Task Force Liaison, to call meetings to accomplish the work of the Task Force;
- F. Ensure the Task Force adheres to its charge;
- G. Call for the establishment of subcommittees (if appropriate and with approval of agency staff); and
- H. Confer with OBPH staff to acquire the support needed for Task Force operations.

8. Committee Operations and Meetings

A. Meetings

- 1. The Task Force meets during regular business hours at least quarterly each fiscal year.
- 2. The Task Force is subject to Texas Government Code Chapter 551 (the Texas Open Meetings Act).
- 3. The Task Force may meet at any location in Texas that is accessible to the public, in person, by telephone conference call, or by videoconference call.
- 4. A meeting may be called by the Chair in consultation with OBPH.
- 5. To the extent not superseded by the Open Meetings Act or any other applicable law or rule, the Task Force shall conduct its meetings using Robert's Rules of Order as a guide.
- 6. Each member of the Task Force shall be informed of a Task Force meeting at least ten business days before the scheduled meeting date.
- 7. At the chair's discretion, a non-voting alternate may be allowed to represent a member who is unable to attend a meeting. Voting members shall make advance arrangements for alternate

attendance and ensure the alternate maintains the perspective of the designated stakeholder group. Attendance by an alternate will be recorded, but a voting member will still be considered absent for purpose of attendance requirements.

B. Quorum

The Task Force may conduct a meeting only when a quorum is present. A quorum consists of a majority (more than 50%) of all members, voting and non-voting, of the Task Force. If less than a quorum of the Task Force is present, members may not vote or otherwise take action, but may receive testimony and public comments so long as the meeting is otherwise conducted in accordance with the Texas Open Meetings Act.

C. Voting

1. Voting members have the right to vote on any subject that is listed on the agenda. However, members must abstain from deliberating or voting on issues that would provide monetary or other gain to the member or that could present, or reasonably appear to present, a conflict of interest.
2. The Committee may determine procedural matters by majority vote of the voting members attending the meeting or may use Robert's Rules of Order as a guide to its operations and proceedings.
3. The Task Force shall make decisions in the discharge of its duties without discrimination based on any person's race, creed, gender, religion, national origin, age, physical condition, sexual orientation, or economic status.
4. A member may participate and, if the member is a voting member, vote in person, by telephone conference call, or by videoconference call as deemed necessary by agency staff.
5. Any action, except adopting or amending bylaws, taken by the Task Force must be approved by a majority of the voting members after a motion is duly made and seconded. Each member of the Task Force, other than the two *ex officio* members of the Legislature, shall have one vote. Notwithstanding Robert's Rules, the chair shall be a voting member of the Task Force.

6. A member may not authorize another individual to vote by proxy.

D. Adoption and Revision to Bylaws

1. The Task Force will adopt and amend Bylaws pursuant to a two-thirds vote (of voting members attending the meeting) on a motion duly made and seconded.
2. Task Force members or OBPH staff may propose changes to these bylaws. Task Force members must submit all proposed changes, along with the rationale for the changes, should be submitted in writing to the OBPH at least 30 days before the next Task Force meeting. The Task Force Liaison will ensure an item for Bylaws discussion is included on the agenda to be posted on the Secretary of State's Open Meetings website. Proposed changes to the Bylaws must be distributed to the members before the meeting for their consideration.
3. The Task Force will review the Bylaws by August 31 of every even-numbered year. Task Force-proposed amendments that occur as a result of the biennial review will be considered in a meeting and will be passed and become effective based on a two-thirds vote of members attending the meeting, pending review and approval by DSHS and HHSC staff.
4. All proposed changes are subject to review and approval by DSHS and HHSC staff.
5. The Bylaws will become effective as of the date they are adopted or amended by the Task Force. The Task Force will make note of the date of the adoption or amendment of the Bylaws in its minutes. Members will sign the Statement by Members when Bylaws are amended (see attached Statement).

9. Responsibilities of Members

A. Attendance

Members are expected to attend all meetings in person or by telephone conference or videoconference call. A voting member unable to attend a meeting should notify OBPH in advance. OBPH will notify the Chair and appropriate program staff.

Any member appointed by the DSHS Commissioner missing three meetings within a one-year period with or without notice to the OBPH Liaison, may be removed from the Task Force. This does not apply to *ex officio* members who are members of the Legislature.

B. Member expectations:

With the exception of *ex officio* members who are members of the Legislature, members are expected to:

1. Attend Task Force meetings;
2. Participate in subcommittees as assigned;
3. Review agendas and other information sent by staff prior to each meeting;
4. Participate in discussions at meetings;
5. Abstain from deliberating or voting on issues that would provide monetary or other gain to the member, or the member's family, that could present, or reasonably appear to present, a conflict of interest;
6. Attend/participate in an orientation session for the Task Force;
7. Complete the Texas Open Meetings Act and Public Information Act Training, within 90 days of appointment and submit the course completion certificate(s) to the OBPH. A member who has taken the trainings within the last five years may submit a copy of the course completion certificate to the OBPH instead of retaking the trainings;
8. Sign and submit to the OBPH the Statement by Members document (attached) within 30 days after appointment. This document includes a Conflict of Interest Statement and a Nondisclosure Agreement to which Task Force members must agree;
9. Notify the Task Force Chair and OBPH if a change of status alters the category of membership that the member was filling or if any circumstance occurs that prevents the member from being able to discharge his or her duties;
10. Maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Office and all aspects of the Texas Open Meetings Act and Public Information Act; and

11. Hold and maintain in strictest confidence all confidential information and all agency-generated information, including information in draft form, until such time as the information or document is released and made public, the DSHS Commissioner and the HHS Executive Commissioner have approved the release in writing, or the HHS Ethics Policy permits release. This requirement survives the member's tenure on the Task Force. For purposes of these bylaws and the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by the HHS System.

C. *Ex Officio* Legislative Member Expectations:

An *ex officio* member who is a member of the Legislature is bound by the constraints of the member's position in the Legislature.

D. A Task Force member may not:

1. Claim or appear to represent DSHS, HHSC or the Task Force in any legislative or advocacy activity without written approval from the Task Force Chair and the HHS Ethics Office in coordination with the HHS Government Relations Office and the OBPH. A member is not prohibited from discussing a report that has been formally adopted by this Task Force, so long as he or she does not purport to represent DSHS or HHSC. A member is not prohibited from representing him- or herself or another entity in the legislative or advocacy process. This does not apply to an *ex officio* member's actions in his or her capacity as a member of the Legislature.
2. Accept payment for any services offered to the member because of his or her position on the Task Force.
3. Disclose confidential information or draft information (from any source including grants, requests for proposals, and contracts) acquired through his or her participation on the Task Force until such time as that information or document is released and made public, the DSHS Commissioner and the HHS Executive Commissioner have approved the release in writing, or the HHS Ethics Office permits release. Members cannot disclose

confidential information using any form of communication including written, digital, verbal, and social media.

For Task Force members appointed by the DSHS Commissioner, a violation of any of these items are grounds for dismissal and may result in removal from the Task Force.

10. **Removal from the Task Force**

The DSHS Commissioner may remove a member appointed by the DSHS Commissioner from the Task Force for the following reasons:

- A. A member votes or deliberates on an issue that would provide monetary or other gain or that presents a conflict of interest to the member, the member's family, or an entity with which the member is closely affiliated.
- B. A member refuses to sign or violates the Statement by Members, which includes the Conflict of Interest statement and Nondisclosure Agreement, or another Nondisclosure Agreement.
- C. A member does not maintain a high level of integrity that warrants public trust, including complying with all applicable ethics guidance provided by HHSC's Ethics Officers and all aspects of the Texas Open Meetings Act and Public Information Act.
- D. A member changes status that alters the category of membership that the member was filling.
- E. A member claims or appears to represent DSHS or HHSC or the Task Force in a legislative or advocacy activity without approval from the Task Force Chair and the HHS Ethics Office in coordination with the HHS Government Relations Office and OBPH. (A member is not prohibited from discussing a report that has been formally adopted by this Council, so long as he or she does not purport to represent HHSC. A member is not prohibited from representing him- or herself or another entity in the legislative or advocacy process.)
- F. A member receives payment for any services requested because he or she holds a position on the Task Force.
- G. A member discloses confidential, including draft, information acquired through his or her participation on the Task Force not in accordance with the Bylaws.

H. A member appointed by the DSHS Commissioner, in a 12-month period, misses three meetings with or without notice to OBPH staff. Decisions to remove a member of the Task Force due to violations of this nature will require input from HHS legal counsel.

11. **Subcommittees**

Unless otherwise noted in statute, the Chair, with the approval of agency staff, may establish subcommittees that meet at other times for purposes of studying and making recommendations on issues the Task Force determines appropriate to the charge. A subcommittee may be created for a limited period of time and will cease to exist when the assigned tasks are completed or upon determination of the Chair, or it may be a standing subcommittee. The Chair may designate one member as the subcommittee Chair. The Chair and agency staff will evaluate the need for all existing subcommittees annually. No subcommittee may have a number of Task Force members that would constitute a quorum.

Subcommittee Operations and Meetings

- A. Unless otherwise noted in statute or required by a grant document, members of subcommittees are required to be members of the Task Force.
- B. Except as set out in part D below, subcommittee(s) shall follow the general rules of the Task Force as applicable.
- C. Subcommittee(s) must keep minutes of the meetings and report back to the full body.
- D. The presence of a quorum of the full Task Force at a subcommittee meeting:
 1. Constitutes a full Task Force meeting that requires posting appropriate notice of the meeting as a full Task Force meeting in accordance with the Texas Open Meetings Act; and
 2. Requires the subcommittee meeting to be held in compliance with the Texas Open Meetings Act, including posting appropriate notice of the subcommittee meeting.

12. Subject Matter Experts

DSHS recognizes the value of subject matter experts (SMEs) to provide information to the Task Force as it develops recommendations and initiatives relative to its charge(s). The primary role of a SME is to provide objective, independent information and analysis for consideration by the Task Force. SME participation will be subject to the request of Task Force members and will fall within the following guidelines:

- A. A SME may be invited to provide information on specific subjects and topics at the discretion of Task Force members, the Chair or Vice-Chair, and Office of Border Public Health staff;
- B. An invited SME may be recognized by staff, the Chair, or Vice-Chair to provide information or analysis during allotted time periods at a specified Task Force or subcommittee meeting;
- C. SMEs will participate in questions and answers at the direction of the staff, Chair, or Vice-Chair;
- D. All SMEs will participate and serve at the pleasure of the Task Force;
- E. SMEs do not hold any official capacity on the Task Force or subcommittees and do not have rights of deliberation or the right to vote on any Task Force activities or decisions;
- F. SMEs should disclose any conflicts of interest they may have prior to providing information to the Task Force;
- G. None of the information or guidance contained in this section shall prevent any individual from participating in or providing comments to the Task Force as allowed under the Texas Open Meetings Act and HHS policy regarding comments by members of the public.

13. Responsibilities of Support Staff

OBPH will be present at and will provide reasonable administrative and technical support and coordination for all Task Force and subcommittee activities. OBPH will coordinate as needed to provide reasonable accommodations and supports needed by a Task Force member requiring accommodations to enable him or her to fully participate in Task Force and subcommittee meetings and activities.

Staff is expected to perform the following tasks:

- A. Develop effective working relationships with Task Force members;
- B. Solicit nominations for membership in accordance with the appropriate DSHS procedures;
- C. Take minutes of each meeting. A draft of the minutes approved by the Chair shall be provided to the Task Force prior to the next meeting. After approval by the Task Force, the minutes shall be signed by the Chair.
- D. Serve as liaison between members and operating agencies' staff; and
- E. Plan, coordinate, and organize Task Force and subcommittee meetings and activities, including:
 - 1. Schedule meeting dates and ensure meeting sites are set up;
 - 2. Notify members of upcoming meeting dates, times, and locations;
 - 3. Develop agenda and support materials for each meeting;
 - 4. Prepare and oversee that the agenda is posted on the Secretary of State's Open Meetings website in a timely manner and on the DSHS and HHS websites;
 - 5. Serve as point of contact for the public, including ensuring that contact information, agendas, and meeting support materials are easily accessible on the DSHS and HHS websites;
 - 6. Prepare and distribute information and materials for member review;
 - 7. Support the Chair and Task Force during meetings; and
 - 8. Prepare and maintain Task Force records and documentation in accordance with the DSHS records retention policy.
- F. Coordinate as needed to provide reasonable accommodations and supports required for a Task Force member who has a disability to enable the member to fully participate in Task Force meetings and activities; and
- G. Perform other duties within staff discretion provided the necessary resources are available.

14. Compensation and Travel Reimbursement

A member of the Task Force is not entitled to any compensation (stipend) or reimbursement of expenses.

Bylaws approved as amended on February 9, 2022 by a two-thirds vote of members attending the meeting.

Chair
Printed Name

Signature

DSHS
Printed Name

Signature

Statement by Members

- The Texas Department of State Health Services (DSHS), Texas Health and Human Services Commission (HHSC), and the Task Force of Border Health Officials (Task Force) are not bound in any way by any statement or action on the part of any Task Force member except when a statement or action is in pursuit of specific instructions from DSHS, HHSC, or the Task Force.
- The Task Force and its members may not claim or appear to represent DSHS, HHSC, or the Task Force in any legislative or advocacy activity without approval from the Task Force Chair and the HHS Ethics Office in coordination with the Government Relations Office. Task Force members are not prohibited from discussing a report that has been formally adopted by this Task Force, so long as members do not purport to represent DSHS or HHSC. Task Force members are not prohibited from representing themselves or other entities in the legislative or advocacy process.
- A Task Force member may not accept payment for services that are requested because of the members' title or position on this Task Force.
- A Task Force member shall not accept or solicit any benefit that might reasonably tend to influence the member in the discharge of the member's official Task Force duties.
- A Task Force member shall not knowingly solicit, accept, or agree to accept any benefit for having exercised the member's official powers or duties in favor of another person.
- A Task Force member shall complete the Texas Open Meetings Act Training and Public Information Act Training within 90 days of appointment and submit the Certificates of Completion to the Office of Border Public Health. A member who has taken the training within the last five years may submit a copy of the Certificate of Completion to the Task Force Liaison in lieu of retaking the training.
- Nondisclosure agreement. A Task Force member may not disclose confidential information or agency-generated information, including information in draft form acquired through his or her Task Force membership, unless DSHS or HHSC has released and made public the information or document, the DSHS Commissioner and HHS Executive Commissioner have approved the release in writing, or the HHS Ethics Office permits release. This requirement survives the member's tenure on the Task Force. For purposes of the Nondisclosure Agreement, the term "confidential information" includes all information protected by the Health Insurance Portability and Accountability Act (HIPAA), information that has commercial value or use, such as trade secrets, and information communicated in confidence by DSHS or the HHS System.

- Conflict of Interest Statement. A Task Force member agrees to disclose any personal or private interest that the member or their family have in a measure, proposal, or decision pending before DSHS. ("Personal or private interest" does not include the member's engagement in a profession, trade, or occupation when the member's interest is the same as all others similarly engaged in the profession, trade, or occupation, or if the member merely provides a personal experience, with no personal or private financial interest, in giving feedback on the subject matter.) If there is a direct personal or financial interest in a motion under consideration, the member further agrees to disclose that fact in a public meeting and will recuse themselves from any Task Force deliberations or decisions on that matter.

I have been provided a copy of the Task Force of Border Health Officials bylaws. I understand that as a member of the Task Force I must adhere to the bylaws.

Task Force Member Signature

Printed Name

Date