CHC Organizational Topics

This webpage addresses a variety of topics related to a County Historical Commission's (CHC) organizational structure. Related material can be found by using the web links provided at the bottom of this page.

We strongly suggest that CHCs and county officials read this memo from attorney, David B. Brooks, clarifying frequently asked questions about CHCs, addressing topics like, the validity of bylaws, CHC fundraising, private CHC bank accounts, and ultimate oversight of the CHC.

CHC Meetings

A CHC is required by statute to meet at least four times per year but may meet as often as the commission determines appropriate. When determining the frequency and locations of meetings, consider the following:

- Requirements for CHC meetings to conform with Open Meetings Act (see next section for more info);
- Location of commission members and distance from each other;
- Providing consistency with meeting location/days/times;
- If meeting location/days/times vary, providing sufficient notice so appointees plan accordingly to attend;
- Types of meetings held and length of time allotted for them; and
- Activities being carried out by the commission—what must be discussed with full commission.

Many CHCs hold meetings in the county seat at the county courthouse to ensure consistency in scheduling and meeting etiquette. However, some CHCs host meetings in different communities in the county, so that all appointees become acquainted with all county resources. They also feel this effort generates countywide support for, and interest in, CHC programs and events.

Open Meetings Act Training

Appointed public officials--like CHC appointees--are required by a state law to receive training in Texas open government laws. The Open Meetings Act is contained in Texas Government Code, Chapter 551. We believe that this training sets the foundation for appointee service and a CHC's livelihood. The Office of the Attorney General offers free video training courses, which were developed to ensure that appointed government officials have a good command of both open records and open meetings laws. *Photo courtesy of Franklin CHC.*

More on Open Government Training here.

Open Meetings Handbook here.

Sample CHC meeting agenda--provided by the Brewster CHC

CHC Finances

Money allocated, donated, or granted to the CHC is county money and should be kept in the county treasury. Decisions about financial matters should be discussed and approved by your county commissioners court. Your county auditor should help the CHC ensure that money matters conform to the regulations set forth for county government, of which the CHC is a part.

CHCs that hold real property and museum collections should be aware that these are the property of the county and are governed by the commissioners court. Acceptance of donations of real property and collections by CHCs must be approved by the county judge and commissioners court. Collections must be acquisitioned only in accordance with the museum's written collections management policy.

In some counties, it may be advantageous for the CHC to help establish a nonprofit organization [one with 501(c)3 status] such as a "Friends of the Commission" that functions somewhat separately from the CHC. CHCs do not require a Friends partner to conduct business. Before forming a partner nonprofit, please consider that forming a nonprofit is not a magic wand that makes money appear. And, chances are that appointees can raise as much money in the name of the CHC as individuals can raise in the name of a nonprofit. Regardless, CHC appointees must prioritize their appointed duties and direct volunteer efforts toward work that can be accomplished by the CHC.

If formed, the bylaws of a nonprofit Friends group for a CHC should state that all funds raised go to the CHC, and establish a checks-and-balances system to ensure that the work is consistent with the mission of the CHC. Remember, the nonprofit organization must function as a separate group from the CHC. Consult an attorney before establishing a nonprofit corporation and keep in mind the many legal and ethical responsibilities that are carried by nonprofits. More information on establishing a nonprofit is available on the Texas Secretary of State's web site here.

CHC Tax-Exempt Status

CHCs are part of county government. Section 115 of the Internal Revenue Code exempts governmental subdivisions from paying income tax. Therefore, a CHC is exempt from paying the state sales and use tax when transacting business in the name of the CHC. The CHC should be prepared to supply a certificate of exemption from paying the Texas sales and use tax when transacting business with a commercial firm. Contact your county auditor to secure this documentation. On a related note, monetary contributions to governmental subdivisions are tax deductible.