

Open Meeting Laws Temporarily Suspended

According to the Governor, effective March 16, 2020, and subject to the requirements below, the following Open Meetings Act sections are temporarily suspended to the extent necessary to allow telephonic or videoconference meetings and to avoid gatherings in physical locations.

- Open Meetings Act sections that require a quorum or a presiding officer to be physically present at the specified location of the meeting; provided, however, that a quorum still must participate in the telephonic or videoconference meeting:

TEX. GOV'T CODE § 551.127(a-3) (considered absent from meeting if link is lost), (b)–(c) (requirement for quorum to be physically present in one location), (e) (requirement to specify location where a quorum will be physically present), (h)–(i) (requirement that quality of signals meet or exceed Department of Information Resources standards).

- Sections that require physical posting of a notice; provided, however, that the online notice must include a toll-free dial-in number or a free-of-charge videoconference link, along with an electronic copy of any agenda packet:

TEX. GOV'T CODE § 551.043(b)(2)–(3) (requirement that meeting notice be physically posted).

- Sections that require the telephonic or videoconference meeting to be audible to members of the public who are physically present at the specified location of the meeting; provided, however, that the dial-in number or videoconference link provided in the notice must make the meeting audible to members of the public and allow for their two-way communication; and further provided that a recording of the meeting must be made available to the public:

TEX. GOV'T CODE § 551.125(e)–(f) (requirement that telephone conference call meeting be audible to persons physically present at a meeting).

TEX. GOV'T CODE § 551.127(f), (j) (requirement that video conference be visible and audible to public physically present at the meeting location).

- Sections that may be interpreted to require face-to-face interaction between members of the public and public officials; provided, however, that governmental bodies must offer alternative methods of communicating with their public officials:

TEX. GOV'T CODE § 551.007(b) (right of the public to address Board on any agenda item).

TEX. GOV'T CODE § 551.125(b)(1), (d) (requirement that teleconference may be held only where there is an emergency or public necessity).

These suspensions are in effect until terminated, or until the March 13, 2020 disaster declaration by the Governor is lifted or expires.