

The Texas Open Meetings Act



Texas Municipal League

Presentation Outline

- Background
- Applicability
- Notice
- Recordkeeping
- Executive sessions
- Penalties

General Background

- Sharpstown scandal
- Public business should be conducted in public
- Citizens have the right to observe deliberations and votes
- The general rule is **every** meeting is open to the public, unless a specific exception applies

Applicability of the Act

- What is a “governmental body?”
- What is a “meeting?”
- What is a “quorum?”
- Applicability to boards and commissions
- Social gatherings and seminars
- Circumvention

Notice

- Who, what, where, when, and why
- Notice 72 hours in advance
- Notice must be accessible (Internet posting)
- Specificity of notice
- Notice of executive sessions

Recordkeeping

- Must keep certified copy of written minutes or a tape recording for all meetings (both open and closed)
- A brief summary is all that is required
- Retention

Executive Session

- *Procedures*
- *Real Property Deliberations*
- *Security/Homeland Security Measures*
- *Personnel Matters*
- *Economic Development*
- *Consultation with Attorney*

Violations

- Conspiracy to circumvent the Act
- Calling/participating in an illegal closed session
- Closed meeting without agenda or tape recording
- Disclosure of certified agenda or tape recording of closed meeting

Violations

- Punishment can include fines and/or jail
- Actions taken are voidable
- Affirmative Defense

Resources

Keep current by using these resources:

www.tml.org (512-231-7400)

www.oag.state.tx.us (877-OPEN TEX)