
The Texas Open Meetings Act

Scott Houston
TML/TCAA General Counsel



What We'll Learn

- What bodies it applies to
- What is a meeting
- Notice requirements
- Executive sessions
- Violations



What Entities are Subject to the Act?

- A **governmental body** as **expressly defined** in the Act
- Entities **required by other law** to comply with the Act
- A **board or committee** of an **entity that is subject to the Act**



What is a Meeting?

“Meeting” – Definition One

- A **meeting** occurs when:
 1. A **quorum** of a governmental body gathers;
 2. the **public business** that the governmental body has authority to supervise or oversee is **discussed**; and
 3. a **member** of the governmental body **participates in the discussion**.
- **Examples:** formal meeting, attendance at another entity’s meeting, using the restroom, e-mail



What is a Meeting?

“Meeting” – Definition Two

- If the gathering is *called by the governmental body*, or the *governmental body is responsible for* the gathering, a *meeting* occurs when:
 1. A *quorum* of a governmental body gathers;
 2. the *public business* that the governmental body has authority to supervise or oversee is *discussed*; and
 3. the members *receive information from, give information to, ask questions of, or receive questions from any third person*, including an employee of the governmental body.
- *Examples*: attendance at a city’s board or committee meeting, “staff briefings”
- Circumvention/Walking Quorum



Notice Requirements

- *Agenda*
- *Specificity*
- *Internet posting*
- *Emergency meeting* or *supplemental posting*
- *Recordkeeping*: Minutes or tape



Executive Sessions

Statutory Authorization

Common executive session provisions:

- *Real Property Deliberations*
- *Personnel Matters*
- *Economic Development*
- *Consultation with Attorney*



Violations

- An action taken in violation of the Act is ***voidable***
- Participating in a closed meeting “knowing that a certified agenda . . . or . . . a tape recording . . . is not being made”
- Knowingly disclosing a certified agenda or tape recording of a closed meeting to a member of the public
- **Knowingly conspiring to circumvent the Act “by meeting in numbers less than a quorum for the purpose of secret deliberations”**
- **Knowingly calling, aiding in calling, organizing or participating in a closed meeting**





The Texas Open Meetings Act

Scott Houston
TML/TCAA General Counsel

