

RE: Texas Open Meetings Act

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If some of your Board members would still like to continue to have video conference (zoom) board meetings after September 1, 2021, please be advised of the following provisions found in the Texas Government Code:

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes. A board member who participates in a meeting by video conference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. *Gov't Code 551.001(8), .127(a-1)-(a-3)*

Quorum

A meeting may be held by videoconference call **only if a quorum of the board is physically present at one location** of the meeting.

Notice

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the board will be physically present and specify the intent to have a quorum present at that location.

Gov't Code 551.127(b)-(e)

Quality of Audio and Video Signals

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in

the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each other location during the entire meeting. **The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible**, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at the location of the meeting described by the notice and at each remote location from which a member participates must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

Gov't Code 551.127(f), (h)–(j); 1 TAC 209.10–.11

Recording

A board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

Remote Participation by the Public

A board **may** allow a member of the public to testify at a meeting from a remote location by videoconference call even if a board member is not participating in the meeting from a remote location.

Gov't Code 551.127(g), (k)



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The College of the State Bar of Texas, the only organization in the United States formed for this purpose, is an honorary society of lawyers, chartered by the Supreme Court of Texas in 1981, to recognize and encourage lawyers who maintain and enhance their professional skills and the

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Subject: Texas Open Meetings Act

See below important notice issued today from the Texas Attorney General in relation to School Board Meetings.

Open Meetings Act Suspension Updates

On June 30, 2021, Governor Abbott's office approved a request by the Office of the Attorney General to lift the suspensions of certain provisions of the Open Meetings Act. **The suspensions will lift at 12:01 a.m. on September 1, 2021.**

Thus, as of September 1, 2021, all provisions of the Open Meetings Act will be effective and all Texas governmental bodies subject to the Open Meetings Act must conduct their meetings in full compliance with the Open Meetings Act as written in statute.

Please contact the Office of the Attorney General with questions about the lifting of the suspensions at (888) 672-6787 or via email at TOMA@oag.texas.gov.



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