

BOARD MEETINGS

BD  
(LEGAL)

Large College  
Districts

The governing board of a junior college district with a total student enrollment of more than 20,000 in any semester of the preceding academic year, for any regularly scheduled meeting of the governing board for which notice is required under Government Code Chapter 551, shall post as early as practicable in advance of the meeting on the internet website of the district any written agenda and related supplemental written materials provided by the district to the board members for the members' use during the meeting. This requirement does not apply to written materials that the general counsel or other appropriate attorney for the district certifies are confidential or may be withheld from public disclosure under Government Code Chapter 552 (Texas Public Information Act).

The governing board of a junior college district is not required to comply with the requirements of this section if that compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the governing board's control.

*Gov't Code 551.1282*

**Specificity of  
Agenda / Notice**

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to top administrators are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what the board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176 (Tex. App.—Corpus Christi, 1990, writ denied); *Atty. Gen. Ops. M-494 (1969), H-419 (1974), H-662 (1975), H-1045 (1977)*

The terms "employee briefing" or "staff briefing" do not give adequate notice of the subject matter to be presented to the board by employees or staff members. *Atty. Gen. Op. JC-169 (2000)*

The subject of a report or update by college district staff or a member of the board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. *Atty. Gen. Op. GA-668 (2008)*

**Emergency Meeting  
or Emergency  
Addition to an  
Agenda**

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which the re-

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quired notice has been posted is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened. *Gov't Code 551.045(a)*

An emergency or urgent public necessity exists only if immediate action is required of a governmental body because of an imminent threat to public health and safety, including a threat described below, if imminent or a reasonably unforeseeable situation, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

*Gov't Code 551.045(b)*

The sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. *Gov't Code 551.045(e)*

The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice. *Gov't Code 551.045(c)*

A governmental body may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted under Government Code 551.045(a) other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting as provided by Government Code 551.045(c); or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

*Gov't Code 551.045(a-1)*

**Catastrophe**

A governmental body that is prevented from convening an open meeting that was otherwise properly posted under Government Code 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code 551.045 if the action is taken in good faith and not to circumvent the OMA. If the governmental body is unable to convene the open meeting within those 72 hours, the governmental body may



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subsequently convene the meeting only if the governmental body gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of the governmental body to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

*Gov't Code 551.0411(b)-(c)*

**Special Notice to  
News Media**

A school district shall provide special notice of each meeting to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. The notice shall be by telephone, facsimile transmission, or electronic mail. *Gov't Code 551.052; Att'y Gen. Op. JM-340 (1985) (a college district board of trustees is considered a school district board of trustees for the purposes of the OMA)*

**Emergency Meeting  
or Emergency Item**

The presiding officer of a governmental body, or the member of a governmental body who calls an emergency meeting of the governmental body or adds an emergency item to the agenda of a meeting of the governmental body, shall notify the news media of the emergency meeting or emergency item. The presiding officer or member is required to notify only those members of the news media that have previously filed at the headquarters of the governmental body a request containing all pertinent information for the special notice and agreed to reimburse the governmental body for the cost of providing the special notice. The presiding officer or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened to any news media who have previously requested special notice of all meetings. *Gov't Code 551.047*

**Disaster**

Notwithstanding any other law, a quorum is not required for the governing body of a local governmental entity to act if:

1. The entity's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and

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2. A majority of the members of the governing body are unable to be present at a meeting of the governing body as a result of the disaster.

*Gov't Code 418.1102*

**Secret Ballot**

No vote shall be taken by secret ballot. *Atty. Gen. Op. H-1163 (1978)*

**Meeting by  
Telephone  
Conference Call**

**Special Meeting**

The OMA does not prohibit the governing board of an institution of higher education from holding a meeting by telephone conference call. A meeting held by telephone conference call authorized by this section may be held only if the meeting is a special called meeting and immediate action is required, and the convening at one location of a quorum of the board is difficult or impossible. *Gov't Code 551.121(b)-(c)*

*Public Access*

Each part of the telephone conference call meeting that is required to be open to the public must be:

1. Audible to the public at the location specified in the notice of the meeting as the location of the meeting; and
2. Broadcast over the internet in the manner prescribed by Government Code 551.128, below.

*Gov't Code 551.121(f)*

*Notice*

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice of a telephone conference call meeting of a governing board must specify as the location of the meeting the location where meetings of the governmental board are usually held. *Gov't Code 551.121(d)-(e)*

*Recording*

Each part of the telephone conference call meeting that is required to be open to the public must be recorded and made available to the public in an online archive located on the internet website of the entity holding the meeting. *Gov't Code 551.121(f)*

*Quorum at One  
Location*

The OMA does not prohibit the governing board of a junior college district from holding an open or closed meeting by telephone conference call. A meeting held by telephone conference call authorized by this section may be held only if a quorum of the governing board is physically present at the location where meetings of the board are usually held. *Gov't Code 551.122(a)-(b)*

*Public Access*

Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location where the quorum is present. The location of the meeting shall provide two-way communication during the entire telephone con-