



# PENSION REVIEW BOARD

**Open  
Meetings  
Act**

**Introduction**

**Our Duty of Transparency**

**Conclusion**

# AGENDA

- Introduction
- Open Meetings Act (OMA)
- Questions/Contact Info



**Pension  
Review  
Board**



John Goodell

Deputy Director of Policy &  
General Counsel

Texas Pension Review Board

# AGENDA

- Introduction
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# Open Meetings Act (OMA)

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## Applicability

Every regular, special, or called meeting of a governmental body shall be open to the public, except as provided by the Act.

The Act generally applies whenever there is:

- a governmental body, and
- that body is meeting.

# What is a Quorum?

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- Generally, the Act applies whenever a quorum of a governmental body meets.
- A quorum is a majority of the governing body, unless otherwise defined by law.



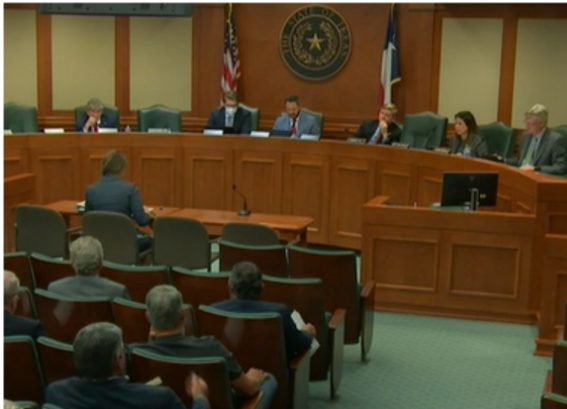
## What is a "meeting"?

A "meeting" requires:

A gathering of a quorum of the governmental body; and either:

- Deliberation about the governmental body's public business or formal action taken by the governmental body; or
- An opportunity provided by the governmental body for members to ask about, speak about, or listen to information relating to public business.

## What is a Governmental Body?



- State boards, commissions, departments, committees, or
- agencies within the legislative or executive branch;
- county commissioners courts, municipal governing bodies,
- school boards, special district boards, and deliberative; a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;
- the governing board of a special district created by law;
- Certain nonprofit corporations and property owners' associations

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## What goes in the notice?

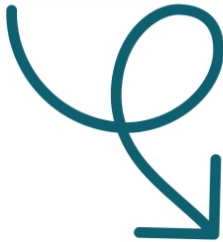
A governmental body shall give written notice of the:

- Date
- Hour
- Place
- Subjects to be considered at the meeting of the governmental body

# Deadlines for Posting Notice

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- Must generally post notice 72 hours before a meeting.
- Governmental bodies with statewide jurisdiction must generally post notice 7 days prior to a meeting. (Do not count the day of the meeting nor the day you post)
- In emergencies, notice must be posted 1 hour before the meeting.



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- Under Sec. 551.045 of the Act, an exception to the 72-hour or 7-day posting requirements exists in the event of an emergency, which is defined as a situation when immediate action is required because of:
  - An imminent threat to public health and safety;  
or
  - A reasonably unforeseeable situation.
- A reasonably unforeseeable situation includes, among other events, a fire, hurricane, power or transportation failure, epidemic, riot, or other actual or threatened act of lawlessness or violence.

# Where to post the notice?

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**Notice must be posted in a place readily accessible to the general public at all times during the required posted period.**

Sections 551.048–551.056 of the Government Code provide detailed posting requirements for state entities, counties, cities, school districts, and other districts and political subdivisions, which vary depending on the type of governmental body.

- A state governmental body is required to provide notice to the Secretary of State, which is then posted on the Internet.
- Local governmental bodies are generally required to post notice on a bulletin board with convenient public access as well as on their Internet sites.

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Sec. 551.021. MINUTES OR RECORDING OF OPEN MEETING REQUIRED. (a) A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body.

(b) The minutes must:

(1) state the subject of each deliberation; and

(2) indicate each vote, order, decision, or other action taken.

Sec. 551.022. MINUTES AND RECORDINGS OF OPEN MEETING: PUBLIC RECORD. The minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee.

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## Closed Meetings

A governmental body may meet in a closed meeting or executive session when expressly authorized to do so by statute.

- The Open Meetings Act contains more than 25 exceptions to the requirement that meetings be open.
- Statutes outside of the Act may also apply to specific entities to allow closed sessions in specific circumstances.

## Closed Meeting with Attorney

A governmental body may not conduct a private consultation with its attorney except:

- When the governmental body seeks the advice of its attorney about pending or contemplated litigation or a settlement offer; or
- On a matter that requires the attorney to meet in a closed meeting in order to comply with the Texas Disciplinary Rules of Professional Conduct.

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## Personnel Issues

A governmental body may meet in a closed meeting:

- to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or
- to hear a complaint or charge against an officer or employee.

This exception does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.



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## Procedures for a Closed Meeting

- Post notice as usual.
- Do not begin until a quorum is present.
- First convene in an open meeting.
- Identify in the open meeting the legal provision authorizing the governmental body to meet in closed session.
- Keep a certified agenda or make a tape recording as required by law.

**Certified  
Agenda or  
Recording**

## How to Keep a Certified Agenda or Recording

Certified agendas are required to indicate:

- The presiding officer announced the date and time at both the beginning and end of the meeting.
- A statement of the subject matter of each deliberation.
- A record of any further action taken.
- Certification that the agenda is a true and correct record of the closed meeting.

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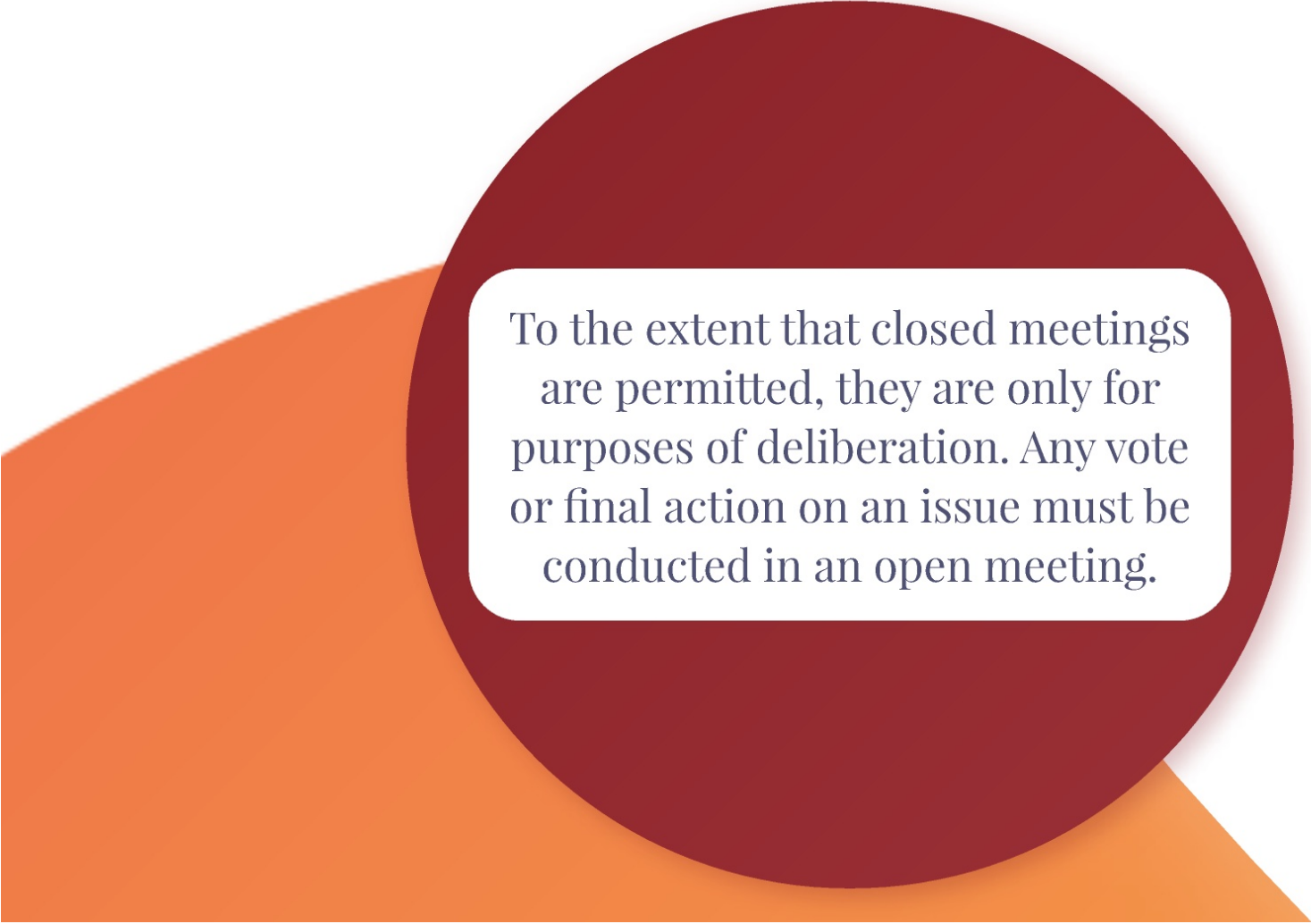
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To the extent that closed meetings are permitted, they are only for purposes of deliberation. Any vote or final action on an issue must be conducted in an open meeting.

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## Exceptions

### **A gathering of a quorum at a:**

- Social function
- Convention or workshop
- Ceremonial event, or
- Press conference
- Candidate forum or debate

### **Is not a meeting, provided:**

- No formal action is taken, and
- Any discussion of public business is incidental to the authorized event.



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# Videoconferencing



Members of a governmental body may participate remotely in a meeting by videoconference call when certain requirements are met, including, among others:

- The video and audio feed of the remote member's participation in the meeting must be broadcast live.
- The member of the governmental body presiding over the meeting must be present in a physical space that is open to the public.
- Depending on the type of governmental body, a quorum may still need to be present in the meeting place.

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And Finally....

Questions?



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Questions?

The graphic features a large red circle centered on a blue background. To the left, an orange shape overlaps the blue background. The text is centered within the red circle.

## **Office of the Attorney General Open Records Division**

Open Government Hotline  
(512) 478-6736  
Toll Free: (877) 673-6839

The ORD does not accept comments via e-mail or fax.  
You may send your comments to the following address.

Office of the Attorney General  
Open Records Division  
P.O. Box 12548  
Austin, Texas 78711-2548



And Finally....

Questions?

[www.prb.texas.gov](http://www.prb.texas.gov)

[John.Goodell@PRB.Texas.gov](mailto:John.Goodell@PRB.Texas.gov)

P.O. Box 13498

Austin, TX

78711-3498

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And Finally....

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