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Open Meetings Act Training

Morgan Constantino

Attorney

Legal Services Division

Required Training

- Background
- How the OMA applies to your committee
- Quorums, notice, and recordkeeping
- Open meeting; closed meeting
- Consequences



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Government Code

TITLE 5. OPEN GOVERNMENT; ETHICS

SUBTITLE A. OPEN GOVERNMENT

CHAPTER 551. OPEN MEETINGS

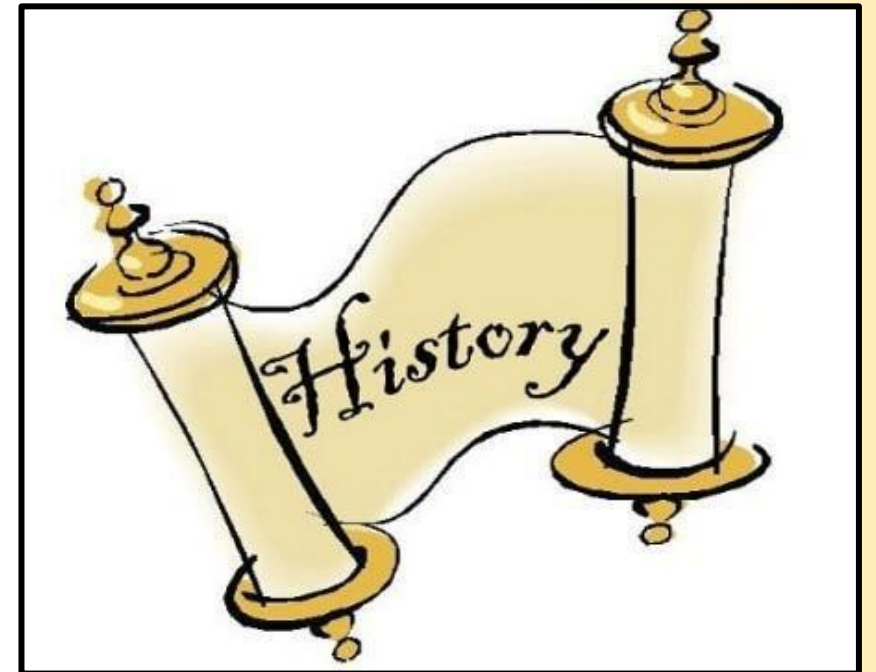
Every meeting of a governmental body is open to the public, with some exceptions.



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OMA Background

- Anti-corruption
- Transparency
- Accountability
- Encourages public involvement



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Committees & the OMA

**How is my committee
subject to the OMA?**



Council's Enabling Act

Tex. Gov't Code § 531.012

(a) The executive commissioner shall establish and maintain advisory committees

(b) The executive commissioner shall adopt rules ... related to an advisory committee's ... duty to comply with the requirements for open meetings under Chapter 551.



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Ramifications

Type of entity	Criminal prosecution possible?	Handguns permitted?
Gov't Code § 531.012 advisory committee subj to OMA by HHS policy	No	Yes



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What is a meeting?

- Quorum + deliberation + governmental body's public business

Or

- Quorum + governmental body conducts meeting/is responsible for meeting + governmental body called meeting + public business



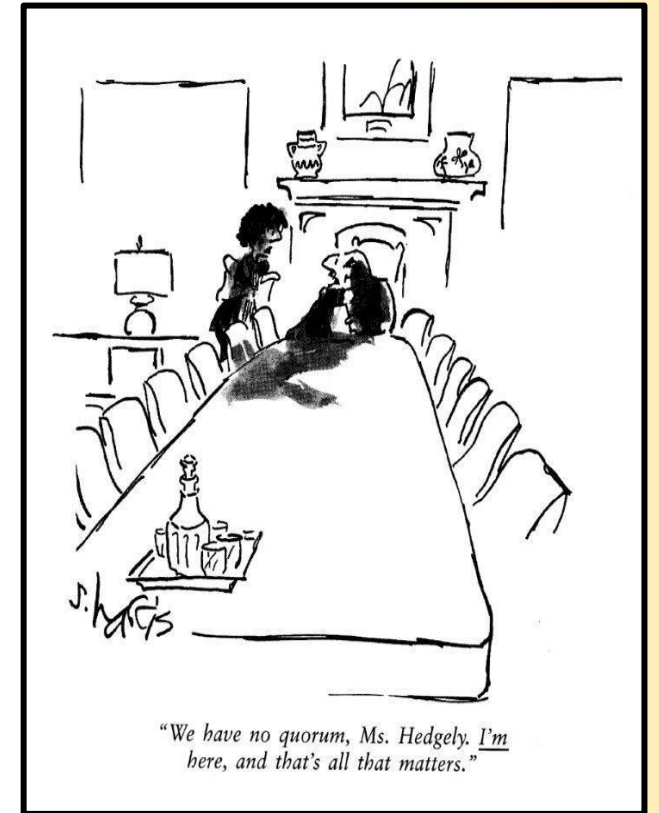
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Meeting: Quorum

- Authority vested in a GB may be exercised only in a meeting with a quorum of the GB's members present.
- Quorum = majority



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Meeting: Members deliberate



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Videoconference



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Public Notice

Required elements:

- Date
- Hour
- Location
- Subjects to be discussed
- Other committee-specific information



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Public Notice cont..

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11 Day of Posting	12 (7)	13 (6)	14 (5)
15 (4)	16 (3)	17 (2)	18 (1)	19 Day of Meeting	20	21
22	23	24	25	26	27	28
29	30	31				



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Open portion of meeting

- All present members convene and adjourn in the open.
- Any action, decision, or vote is in the open.
- Do not discuss items not listed on the agenda.
- Keep minutes or a recording.
- Webcast is permitted.
- Do not restrict public comment on discriminatory grounds.



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Closed portion of meeting

- A meeting may be closed only if explicitly authorized by statute.
- Before going into closed meeting, the presiding officer must announce it and announce the laws that authorize it.
- No final actions, decisions, or votes.
- Keep a certified agenda or recording.
- Only members have a right to attend.



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Possible Penalties for Failure to Comply with OMA

- Action is voidable, not void.
- Members engage in series of prohibited communications = misdemeanor offense punishable by fine, jail time, or both.
- Member who knowingly participates in unauthorized closed meeting = misdemeanor offense punishable by fine, jail time, or both.
- Member who participates in a closed meeting knowing there's no certified agenda or recording = misdemeanor offense punishable by fine.
- Any individual (member or employee) who knowingly discloses the certified agenda or tape recording of a closed meeting to a member of the public = misdemeanor offense punishable by fine, jail time, or both, and may be liable for damages.



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Thank You!

Morgan Constantino

Morgan.Constantino@hhs.Texas.gov