



TEXAS
Health and Human
Services

Open Meetings Act Training

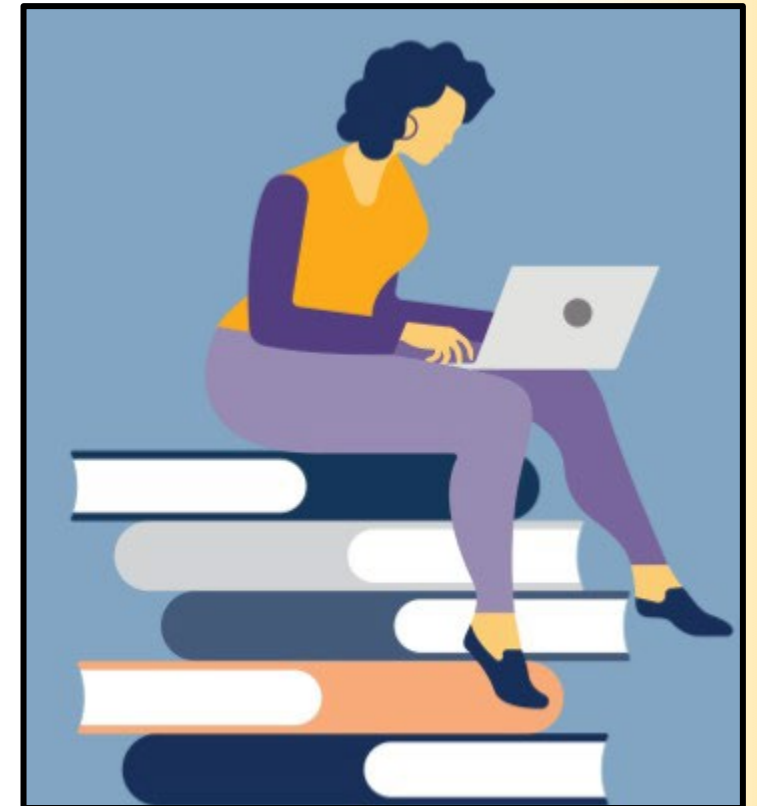
Morgan Constantino

Attorney

Legal Services Division

Required Training

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



TEXAS
Health and Human
Services

Government Code

TITLE 5. OPEN GOVERNMENT; ETHICS

SUBTITLE A. OPEN GOVERNMENT

CHAPTER 551. OPEN MEETINGS

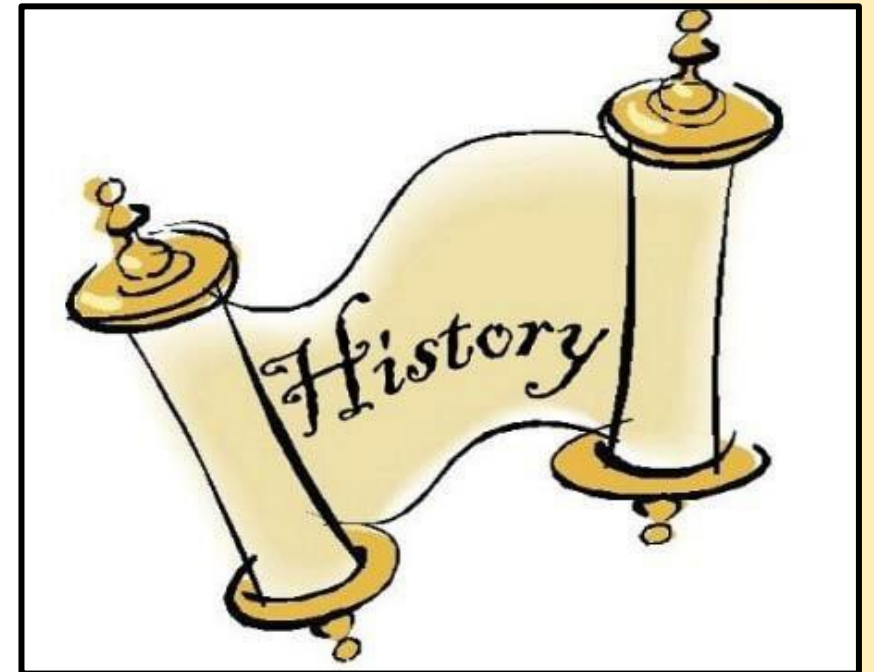
Every meeting of a governmental body is open to the public, with some exceptions.



TEXAS
Health and Human
Services

Background

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





TEXAS
Health and Human
Services

Committees & the OMA

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



IDD SRAC's Enabling Act

Tex. Gov't Code § 534.053

(a) The Intellectual and Developmental Disability System Redesign Advisory Committee shall advise the commission on the implementation of the acute care services and long-term services and supports system redesign under this chapter.

(f) The advisory committee is subject to the requirements of Chapter [551](#).



TEXAS
Health and Human
Services

Ramifications

Type of entity	Criminal prosecution possible?	Handguns permitted?
Gov't Code § 534.053: advisory committee subject to OMA by enabling statute	Yes	No



TEXAS
Health and Human
Services

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



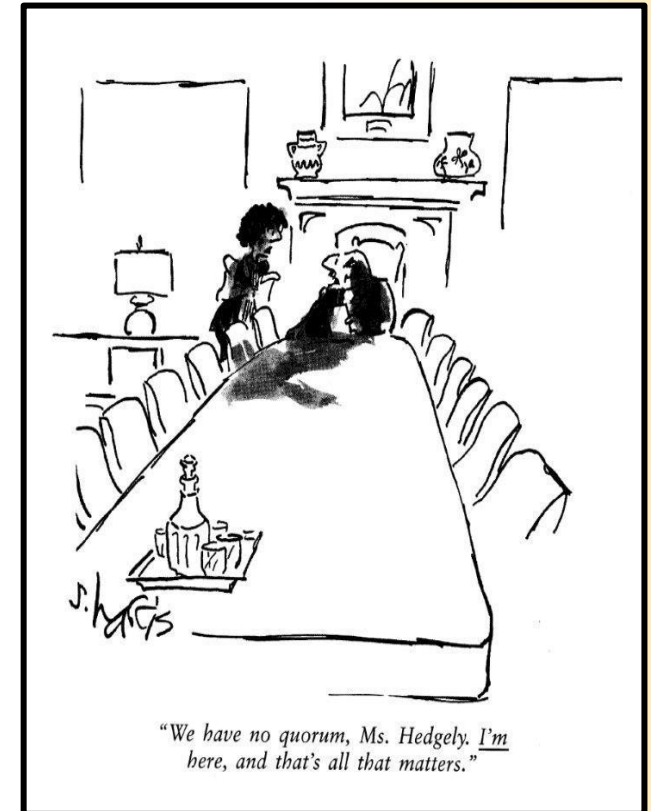
TEXAS
Health and Human
Services

Meeting: Quorum

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



TEXAS
Health and Human
Services



Meeting: Members deliberate



TEXAS
Health and Human
Services

Meeting: Members listen



TEXAS
Health and Human
Services

[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

Videoconference



TEXAS
Health and Human
Services

Public Notice

Required elements:

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



Public Notice

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				



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.



TEXAS
Health and Human
Services

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.

NOTE: By statute, IDD SRAC may not conduct a closed meeting.



TEXAS
Health and Human
Services

Penalties for Failure to Comply with OMA

- 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.



TEXAS
Health and Human
Services



TEXAS
Health and Human
Services

Thank You!

Morgan Constantino

Morgan.Constantino@hhs.Texas.gov