

A Year of Virtual Open Meetings Under the Governor's Disaster Proclamation

Alice McAfee, Teacher Retirement System of Texas
Katherine Farrell, Teacher Retirement System of Texas

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State of Disaster Declaration on March 13, 2020

Governor Abbott Declares State of Disaster In Texas Due To COVID-19

March 13, 2020 | Austin, Texas | [Proclamation](#)

- **March 13, 2020** – Governor Abbott declares a state of disaster for all counties in Texas under Section 418.014 of the Tex. Gov't Code (TGC)
- Under **TGC 418.016**, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with the disaster **may be suspended upon approval of the Office of the Governor**

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Authority to Hold Virtual Meetings Under the Texas Open Meetings Act (OMA)

Teleconferences (TGC 551.125*) allowed if:

- Emergency or public necessity (TGC Section 551.045); *and*
- Convening at one location of a quorum of the governmental body (GB) is difficult or impossible; *or*
- Meeting is held by an advisory board

* Some GBs have specific OMA provisions that may provide greater flexibility or additional requirements. *See, e.g.,* TGC §§ 551.121–.126, .129–.131.

Authority to Hold Virtual Meetings Under the Texas Open Meetings Act (OMA)

Videoconferences (TGC 551.127*) allowed for state entities:

- Not limited to emergencies
- Live video/audio feed of the remote participants
- Member of the GB presiding over the meeting is physically present at a location open to the public
- Audio or video recording of the meeting available to the public
- Specific notice and technical requirements

* Some GBs have different requirements.

Suspended OMA Provisions

- March 16, 2020 - Governor approved request to suspend certain OMA provisions to allow for 100% virtual meetings
- OAG guidance to agencies on application of the suspension
- DIR technical guidance



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Governor's Suspension Guidance

Temporary suspension of certain OMA provisions:

- Telephonic or videoconference open meetings **without the need for face-to-face contact during a pandemic**
 - Suspended requirement of a quorum (or the presiding officer) to be physically present at meeting location
- Requirements during the suspension focused on **notice, public participation, and accessibility**
 - Notice requirements retained
 - Required link to meeting recording on GB's website
 - Required a toll-free number or video link during meeting that allowed two-way communication

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