

OPEN GOVERNMENT UPDATE

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Relevant Law

- Wh{dv#R shq#P hhwlj v#D fw#ŠWR P Dõ,
 - Ch. 551, Tex. Gov't Code
 - Requires all meetings of a governmental body to be open to the public unless TOMA authorizes deliberation in closed session
- Wh{dv#Sxedf#Lqirup dwlrq#D fw#ŠWSIDõ,
 - Ch. 552, Tex. Gov't Code
 - Requires the disclosure of "public information"
 - Includes a number of statutory exceptions
 - Governmental body must seek a decision from the Office of the Attorney General ("OAG") to withhold records


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Overview

- Discussion of open government challenges during a pandemic
- Review of recent, noteworthy open government cases
- Review of open government legislation enacted by the 87th Legislature

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Maintaining an Open Government during a Pandemic

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Suspension of TOMA Provisions: Timeline of Events

- **March 16, 2020** - Governor Abbott suspended certain open meeting provisions that require government officials and members of the public to be physically present at a specified meeting location.
- **June 30, 2021** - Governor Abbott approved a request by the OAG to lift the suspensions of certain open meeting provisions.
- **September 1, 2021** - All provisions of the TOMA are effective, and all Texas governmental bodies subject to the TOMA must conduct their meetings in full compliance with the TOMA, as written in statute.

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Conducting Open Meetings Going Forward

- TOMA, Subchapter F governs telephonic and videoconference meetings in certain situations.
- Generally applicable requirements:
 - Telephone Conference Calls (Section 551.125)
 - Videoconference Calls (Section 551.127)
- Requirements for Specific Governmental Entities:
 - Governing Board of the Institution Of Higher Education; Board for Lease of University Lands; Texas Higher Education Coordinating Board (Section 551.121)
 - Governing Board Of Junior College District (Section 551.122)
 - Texas Board of Criminal Justice (Section 551.123)
 - Board of Pardons and Paroles (Section 551.124)
 - Higher Education Coordinating Board (Section 551.126)
 - Board Of Trustees of the Teacher Retirement System Of Texas (Section 551.230)
 - Water Districts (Section 551.131)

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