

OPEN GOVERNMENT UPDATE

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Relevant Law

- **When a governmental body meets in closed session, the meeting must be open to the public unless the body is authorized to meet in closed session by the Texas Open Meetings Act (TOMA),**
 - 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
- **When a governmental body receives or discloses information, the body must disclose the information unless the information is exempt from disclosure under the Texas Public Information Act (TPIA),**
 - 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.

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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