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How to Get it Right: Agendas, Closed Sessions, and Remote Meetings

Learn how to avoid common pitfalls and enhance your agendas, closed sessions, and remote meetings.

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Overview

- Agendas (Subject, Timing, Place, Public Comment, and Consequences)
- Closed Sessions (Procedure, Sample Script, Personnel Matters, and Consequences)
- Remote Meetings (Videoconference Call Requirements, Notice, and Sample Script)



The statements in this presentation are not legal advice nor the opinions of anyone other than the presenter.

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Agendas (or Notice)

- The Open Meetings Act (Act) requires meetings of governmental bodies to be open to the public. Tex. Gov't Code § 551.002.
- Citizens are entitled not only to know what government decides but to observe how and why every decision is reached. The explicit command of the Act is for openness at every stage of the deliberations. *Acker v. Tex. Water Comm'n*, 790 S.W.2d 299, 300 (Tex. 1990).
- Agendas notify the public of the date, hour, place, and subject of the meeting. *Id.* § 551.041.

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Agendas: The Subject, Audience

- “A governmental body shall give written notice of the date, hour, place, and **subject** of each meeting held by a governmental body.” Tex. Gov't Code § 551.041.
- The intended beneficiaries of the notice are **members of the interested public**, not specific individuals whose private interests are most likely to be affected by the proposed government action. *Barrera v. Tri-Cnty. Juvenile Prob. Bd.*, No. 04-11-00071-CV, 2011 WL 3502367, at *3 (Tex. App.—San Antonio Aug. 10, 2011, pet. denied).

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Agendas: The Subject, Specificity

- As **public interest** in a subject matter increases, a correspondingly more detailed description of the subject under consideration must be given in the written notice of the meeting. *Rettberg v. Tex. Dep't of Health*, 873 S.W.2d 408, 411 (Tex. App.—Austin 1994, no writ).
- A **higher degree of specificity** is needed when the subject to be debated is of special or significant interest to the public. *Markowski v. City of Marlin*, 940 S.W.2d 720, 725–26 (Tex. App.—Waco 1997, writ denied).

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Agendas: The Subject, Action

- As long as a reader is alerted to the topic for consideration, it is **not necessary** to state all of the consequences which may flow from consideration of the topic. *Cox Enterprises, Inc. v. Bd. of Trs. of Austin Ind. Sch. Dist.*, 706 S.W.2d 956, 958 (Tex. 1986).

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