

From: [Sarah Backhouse](#)
To: [RegionalWaterPlanning](#)
Subject: Existing Open Meetings Act allowances for videoconferences
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From: RegionalWaterPlanning <RegionalWaterPlanning@twdb.texas.gov>
Sent: Monday, March 22, 2021 3:43 PM
Subject: Existing Open Meetings Act allowances for videoconferences

Good afternoon RWPG Chairs and Administrators,

We've recently received questions on videoconferencing related to current allowances under the Texas Open Meetings Act (OMA). For your convenience, we have excerpted current video conference guidance below from the Attorney General's (AG) Open Meetings Handbook and from the OMA.

As a reminder, the TWDB is not in a position to provide legal advice to RWPGs. RWPG members may wish to consult with attorneys for their organizations for additional information or you may contact the Open Government hotline regarding an Open Meetings Act issue.

Video Conference Guidance as it relates to [Texas Government Code §551.127](#):

- Governmental bodies that extend into three or more counties may meet by videoconference call and, unlike with telephone meetings, the authority is not limited to emergency circumstances.
- The member of the governmental body presiding over the meeting must be physically present at one location of the meeting, and the location must be open to the public during the open portions of the meeting.
- A member or employee of a governmental body may participate remotely in a meeting of the governmental body through a videoconference call if there is live video and audio feed of the remote participant that is broadcast live at the meeting.
- A remote participant shall be counted as present at the meeting for all purposes. However, if the audio or video communication is lost for any portion of the meeting, the remote participant is considered absent during that time. Should this occur, the governmental body may continue the meeting only if there continues to be a quorum participating in the meeting.
- A meeting held by videoconference call must meet the regular notice requirements of the OMA but must also specify as the location of the meeting where the presiding member of the governmental body will be present and open to the public.
- The governmental body is required to make at least an audio recording of the meeting and to make the recording available to the public.
- Whether a governmental body is holding a meeting by videoconference or in person, the governmental body may permit public testimony or public comment from a remote location through videoconference call.
- Meeting location of presiding officer shall have two-way audio and video communication with each other location during the entire meeting.
- While speaking, each participant's face must be clearly visible and the voice audible to each other participant and to the members of the public in attendance at the location where the presiding

member is present and any other location of the meeting that is open to the public.

- Each open portion of the meeting is to be visible and audible to the public at the meeting location where presiding member is present. If at any time the meeting is no longer visible and audible to the public, the meeting must be recessed until the problem is resolved.

Other Relevant and Current OMA Information

- Governor Abbott extended his suspension of Texas Open Meeting requirements 3/6/21:
<https://gov.texas.gov/news/post/governor-abbott-extends-covid-19-disaster-declaration-march-2021>
- Open Meeting Act Update on the Texas Attorney General’s Office website:
<https://www.texasattorneygeneral.gov/open-government/open-meetings-act-update>
- Open Meeting Act Handbook:
https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/openmeetings_hb.pdf
- Open Government Hotline: (877) 673-6839

Best,

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