

From: [Sarah Backhouse](#)
To: [RegionalWaterPlanning](#)
Subject: Reminder for RWPGs on Open Meetings Act requirements for video-conferences
Date: Tuesday, September 28, 2021 9:18:47 AM

From: RegionalWaterPlanning <RegionalWaterPlanning@twdb.texas.gov>
Sent: Tuesday, September 21, 2021 9:30 AM
Matt Nelson <Matt.Nelson@twdb.texas.gov>; Jessica Pena <Jessica.Pena@twdb.texas.gov>
Subject: Reminder for RWPGs on Open Meetings Act requirements for video-conferences

Good morning RWPG Chairs and Administrators,

As some RWPGs are continuing to hold hybrid meetings, we wanted to resend the summary of requirements for video conferences under the Texas Open Meetings Act (OMA). The requirements below are excerpted from the Attorney General's (AG) Open Meetings Handbook and from the OMA. Please remember that all RWPG meetings and committee meetings are subject to the OMA and the requirements under [Texas Government Code §551.127](#) must be met if your RWPG is continuing to hold meetings that include video conferences.

RWPGs may wish to confirm with their members who plan to attend virtually that they will have working video and audio feed in advance of the meeting and to remind members at the meeting that their camera must be on for the entirety of the meeting to count towards the quorum. We also wanted to provide a reminder that a quorum must be present for a meeting under the OMA to occur, regardless of whether or not there are action items agenda.

Summary of video conference requirements in accordance with Texas Government Code §551.127, see Texas Government Code §551.127 for full requirements:

- 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.

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 (877-673-6839) regarding an Open Meetings Act issue.

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