

Independent Citizens Redistricting Commission

Texas Open Meetings Act Public Information Act City Charter

Legal Considerations
May 31, 2013



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What is the Texas Open Meetings Act (TOMA)?

The Open Meetings Act is a Texas statute that provides for public access to meetings of governmental bodies

Chapter 551 Texas Government Code



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What Does TOMA Compliance Require?

Meeting notice (agenda) be posted...

- 72 hour notice
- Must include what will be discussed
- Comments made under the agenda's "citizen communication" item cannot be discussed

...and discussions of business by a quorum or more occur in public

- Exchanges by email and social media can constitute an inappropriate discussion of official business
- Staff may provide administrative information to officials
- Do not "reply all" to emails sent to entire body



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What Does This Mean For Me?

The ICRC currently has 8 members

A quorum (majority) is 5 members

A quorum – either at one time or over a series of discussions – may not discuss ICRC business outside of a posted meeting

At a posted meeting, only the topics on the agenda can be discussed; any other topic has to be scheduled for a future meeting



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What Is The Public Information Act (PIA)?

The Public Information Act is a Texas statute that gives the public the right to ask for government information

Chapter 552 Texas Government Code



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What Does PIA Compliance Require?

The Public Information Act requires that the city and its officials provide certain documents regarding city business upon written request

Documents may be paper or electronic format; any email – including city business on your personal email account – or social media communication regarding city business is subject to the Public Information Act

Records retention guidelines let us know when it is ok to dispose of a document; please allow city staff to determine whether you may dispose of a document



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What Does This Mean For Me?

The city is providing you with a city email address to make compliance as easy as possible

Any email sent from or received at your personal email address regarding ICRC business can be requested via a Public Information Act (PIA) request

Any email sent from or received at your city email address can be requested via a PIA request

Any document in your possession regarding ICRC business can be requested via a PIA request



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What Are City Charter Guidelines on Discussion Of ICRC Business?

Charter Art. 2 Sec. 3(K)(3):

- Commission members and commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing
- Commission members, commission staff (which must exclude council staff), legal counsel, and commission consultants may communicate between meetings, but must comply with the Texas Open Meetings Act



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What Does This Mean For Me?

ICRC members cannot discuss ICRC business with anyone in person, by phone, by email, or by social media, other than each other (keep Texas Open Meetings Act in mind) or the ICRC staff, outside of a public posted meeting

Any communication you receive from the public should be forwarded to the staff liaison or general ICRC email inbox; do not respond. The staff liaison will provide that sender with a reminder about prohibited communications.



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What Are City Charter Guidelines on Member Activities?

Charter Art. 2 Sec. 3(D)(4):

- **During 3 Years From Taking Office**
 - cannot hold appointive public office for the City
 - cannot serve as paid staff for the City, the Council, or any member of Council
 - cannot serve as a paid consultant for the City, the Council, or any member of Council (also applies to all entities in member's control)
 - cannot receive a non-competitively bid City contract (also applies to an entity of which an ICRC member is a 'controlling person')
- **During 10 Years From Taking Office:**
 - cannot hold elective public office for the City of Austin



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What Does This Mean For Me?

An ICRC member's contracting and employment options are limited until 2016

An ICRC member may not to run for city council until 2024



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Questions?

Thank you very much for your service!



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