

RESOLUTION NO. 20130926-073

WHEREAS, the Texas Open Meetings Act was adopted in 1967 to help make governmental decision-making transparent to the public by requiring meetings of governmental bodies to be open to the public, except for expressly authorized closed sessions, and to be preceded by public notice of the time, place and subject matter of the meeting; and

WHEREAS, the Texas Open Meetings Act was amended during the most recent state legislative session by passage of Senate Bill 1297 and by House Bill 2424, both of which authorize the establishment and use by municipal governments of an online message board; and

WHEREAS, such online message board is restricted to use by members of the governmental body or staff members of the governmental body who have received specific authorization from a member of the governmental body, and allows Council Members to communicate and exchange information without violating the Texas Open Meetings Act; and

WHEREAS, communication on an online message board by authorized users must be displayed in real time, must be searchable and viewable by the public, and must remain posted for a statutory time and remain archived and accessible for a statutory time; and

WHEREAS, such statutory safeguards allow communication by Council Members between regularly-scheduled meetings, and increase Council Members' ability to communicate with one another in a manner that leads to more informed decision making, while at the same time offering paramount protection to the public's right and ability to have fully-transparent and open access; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is hereby directed to develop and implement an online message board for use by the Council Members and other staff members of the governmental body who have received specific authorization from a Council Member, and the online message board and use of same must adhere to the statutory requirements set forth in Senate Bill 1297 and House Bill 2414, to-wit:

- (1) The City may have only one online message board to be used for the purposes described in the statute;
- (2) The City must own or control the online message board;
- (3) The online message board must be prominently displayed on the City's primary Internet web page, and cannot be more than one click away from the City's primary Internet web page;
- (4) The online message board may only be used by members of the governmental body or by staff members of the governmental body who have received specific authorization from a member of the governmental body, and if an authorized staff member posts, the name and title of the staff member must be posted along with the communication;
- (5) Any communication to the online message board must be in writing;
- (6) The communication must be posted to the online message board which must be viewable and searchable by the public;
- (7) The communication must be displayed in real time and displayed for no less than 30 days after the communication is first posted;
- (8) When a posting is removed from the online message board after a minimum 30-day period, the City must maintain the posting for 6

years; such posting is public information and must be disclosed in accordance with the Public Information Act.

- (9) The governmental body may not vote or take any action that is required to be taken at a meeting by posting on the online message board.

The City Manager is further directed to implement the following restrictions and capabilities for the online message board:

- (1) Use of the online message board shall be restricted exclusively to City Council Members and to such staff members of the City who have received specific authorization from a Council Member, and if an authorized staff member posts, the name and title of the staff member must be posted along with the communication;
- (2) The City Manager may authorize City staff to respond to questions or requests;
- (3) Users are to be given the capability and authorization to create categories under which to post;
- (4) Users are to be given the capability and authorization to upload and share documents.

The City Manager is further directed to provide City Council with a briefing update on status of implementation of the online message board by October 24, 2013, and to achieve full implementation of the online message board by December 1, 2013.

ADOPTED: September 26, 2013

ATTEST:


Jannette S. Goodall
City Clerk