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To: [Escobar, Manuel - BC](#); [Pierce, Darrell - BC](#)
Cc: [Banker, Courtney](#); [DeMayo, Mandy](#); [Aleman, Ruben](#); [May, James](#)
Subject: Proposed language changes for URB meeting invite for videoconference
Date: Tuesday, November 29, 2022 6:07:46 PM

*** External Email - Exercise Caution ***

Chairman Escobar and Vice-Chairman Pierce,

I have been working with staff on some modifications to the Board's videoconference meeting wording in order to be more in line with the TOMA provisions which the URB follows. I would like to get your feedback on whether to go ahead and incorporate the changes for the next meeting and/or have it as a discussion item and, if approved, implement any approved language in January 2023.

In the past there have been times when either audio or video communication has been lost or disconnected which has affected the ability to see and hear commissioners in attendance remotely. In an attempt to have clear guidance for Staff and commissioners, to know who was considered present and participated in a vote, I am proposing some wording changes. A commissioner's loss of video or audio communication could be considered an absence and impact the record of their participation in a meeting.

The statute provides that a member of a governing body who participates in a meeting remotely shall be counted as present at the meeting for all purposes if the video and audio feed of the member's participation is broadcast live at the meeting and complies with this section. TGC Sec. 551.127 (a-1). A member who participates in a meeting as provided by (a-1) shall be counted as present at the meeting for all purposes. TGC Sec. 551.127 (a-2). A member shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. TGC Sec. 551.127 (a-3). The meeting location (of the quorum), and each remote location from which a member participates, shall have two-way audio and video communication with each other location during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance. TGC Sec. 551.127 (h). The audio and video signals perceptible by members of the public at each location of the meeting must be of sufficient quality so that members of the public can observe the demeanor and hear the voice of each participant in the open portion of the meeting. TGC Sec. 551.127 (j).

The provisions for videoconferencing attempt to imitate or mimic the rules of an in-person meeting to the greatest extent possible. So just as a member who leaves the dais for a break or to take a call is absent from that portion of the meeting the same is applicable to a remote participant. A member on the dais is visible and audible while participating during a meeting and a remote participant should be as well.

Suggested changes:

Commissioners and Presenters

- While speaking ~~during the meeting via Webex~~, each commissioner and/or presenter's face must be clearly visible and the voice audible to members and the public.
- ~~It is recommended that all~~ Commission members **shall** keep their camera on and remain visible, **and audible when speaking**, at all times during the meeting **so that members of the public can observe the demeanor and hear the voice of each commissioner.**
- The ~~complete~~ loss **or disconnection** of video or audio **communication capabilities** during the meeting will constitute a commissioner being "off the dais:" **or absent from that portion of the meeting.**
- ~~If quorum is lost during the meeting at any point due to technical difficulties, etc. a "recess" must be taken in order to resolve the issue/regain quorum.~~

I look forward to hearing from you. Feel free to give me a call to discuss, my cell number is – 830.335.3960.

Thank you,

Megan R. Santee, CPM

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