

# Texas Open Meetings Act

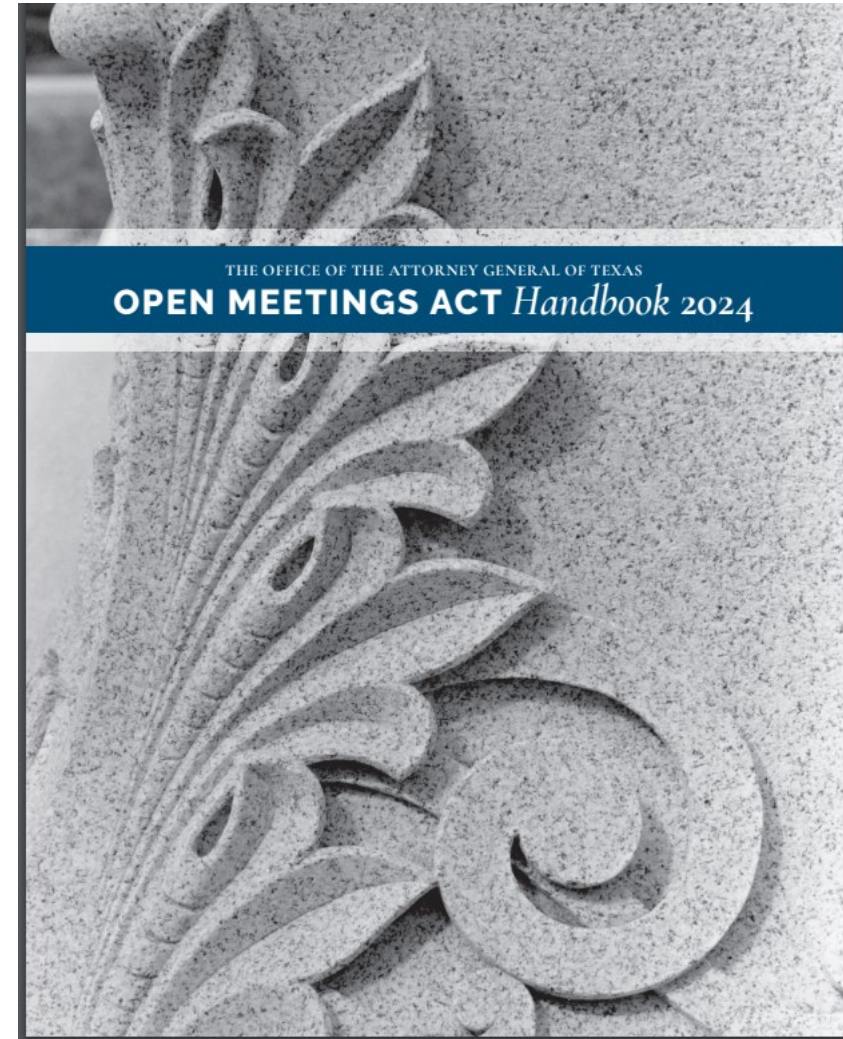
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# Resources

- TOMA online handbook:
  - [https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/openmeetings\\_hb.pdf](https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/openmeetings_hb.pdf)
- CoA meeting rules:
  - [https://library.municode.com/tx/austin/codes/code\\_of\\_ordinances?nodeId=TIT2A\\_D\\_CH2-1CIBO](https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT2A_D_CH2-1CIBO)



# The TOM Act

- Adopted in 1967 as article 6252-17 of the Revised Civil Statutes,
- Substantially revised in 1973
- Codified without substantive change in 1993 as Government Code chapter 551.5
- The Act has been amended many times since its enactment, e.g., with development of the Internet, and most recently to allow some remote attendance at meetings during the COVID period.

# Details

- Quorum requirement.
- Majority vote.
- Meeting in public, some executive sessions allowed.
- Meeting must be pre-noticed.
- Err on the side of open government.
- May use Robert's Rules of Order to conduct meetings.
- May not conduct meetings with procedures inconsistent with TOMA.

# Quorum & Voting

- “Absent an express provision to the contrary, a proposition is carried in a deliberative body by a majority of the legal votes cast, a quorum being present. Thus, if a body is “composed of twelve members, a quorum of seven could act, and a majority of that quorum, four, could bind the body.”
- For CoA Boards & Commissions, a quorum must be present to hold a meeting, and a majority of “seats” must support any resolution to pass. So if a CoA panel has 11 seats, and only 6 members are present (or online) for a meeting, a quorum is met, but only unanimous resolutions pass. (CITY CODE: CHAPTER 2-1. - CITY BOARDS)

# Posting requirements

- Notice must be posted for a minimum length of time before each meeting. Section 551.043(a) states: “The notice of a meeting of a governmental body must be posted in a place readily accessible to the general public at all times for at least **72** hours before the scheduled time of the meeting.”
- Posting must be on the Website, and in a hard-copy public space.
- Posting must give the public a good idea of what will be discussed. I.e., Agenda listings such as “City Manager Report” alone, without listing topics to be discussed, is not sufficient.

# No snoring during meetings

- No dirty jokes
- No meanness
- No cry babies
- No hair pulling
- Etc....

