



Open Meetings Act

Why is this important?

■ If violate Act:

- All actions taken are voidable
- Criminal and civil penalties



Act applies to “Meetings”

- A deliberation between a quorum (simple majority) of a governmental body
- Applies to informal or social meetings if public business is discussed
 - Breakfast meetings of a commissioners court were found to be subject to the act. Tex. Att. Gen. Op. No. H-785 (1976)



Meetings

- Even meetings of less than a quorum can be subject to the act
 - “A member or group of members commits an offense if they knowingly conspire to circumvent this chapter by meeting in numbers less than a quorum” Tex. Att. Gen. Op. No. GA-0098 (2003)
 - \$100 to \$500 fine, and/or
 - 1 to 6 month confinement in county jail



Notice Requirements

- Generally, must give 72 hours notice
- Notice must state agenda items to be discussed
 - Very important to keep deliberations within the posted agenda items
 - Exceed posting = a violation of the act



Executive Sessions

- Meetings that can be held in private
- Must first hold open meeting
 - announce that you are going into executive session and what will be discussed in the executive session
- The act gives several items that can be discussed in executive session
 - For example: Consultation with attorney