

## **Open Meetings Act Summary Information Comprehensive Plan Citizens Advisory Task Force**

### **General Background**

The Open Meetings Act is based on premise that “citizens are entitled...not only to know what government decides but to observe how and why every decision is reached.” *Acker v. Tex. Water Comm’n*, 790 S.W.2d 299, 300 (Tex. 1990)

Note: The Comprehensive Plan Citizens Advisory Task Force is subject to the act under City Code Section 2-1-3(D).

Courts broadly interpret the Act in favor of open government. Be mindful of the *spirit* of the Act, as well as its specific requirements.

### **A meeting occurs when:**

- A quorum of the body gathers;
- Discussion occurs on public business within the purview of the body; and
- The meeting was called by the body and/or a member of the body participates in discussion.

### **Other meeting concerns:**

- Note: A regularly-scheduled meeting of the task force may not be held without a quorum present.
- A “walking quorum” may violate the Act. A “walking quorum” occurs when several serial meetings of less than a quorum take place in order to avoid the purposes of the Act.
- A meeting of less than a quorum may violate the Act when work by a non-quorum is simply “rubber stamped” by the full body without sufficient deliberation.

### **Notice and the agenda:**

- The agenda for any meeting must be posted at least 72 hours before the meeting and must provide notice of the date, time, and place of the meeting.
- Notice is posted on the Web and at City Hall.
- Notice must be sufficient to inform the general public of the subject matter to be discussed, but should not be so specific that it unnecessarily limits the body’s deliberations on the subject.
- Note: Task force members should contact City staff or the Chair if they would like items added to an agenda for an upcoming meeting.

### **At the meeting:**

- There should not be deliberation on an item that has not been posted; members should request that the item be placed on a future agenda.
- Meetings must be taped or minutes kept.
- Citizen testimony need not be allowed at every meeting and, if allowed, may be subject to reasonable rules.

### **Addition resources:**

Attorney General of Texas’ Open Meetings Handbook and Open Meetings Act Training Video, available at [www.oag.state.tx.us/open](http://www.oag.state.tx.us/open)