

## **Relevant Texas Open Meetings Act Issues for the Interregional Planning Council**

While the Interregional Planning Council (IPC) enabling statute does not subject the IPC to the requirements of Texas Open Meetings Act (TOMA), best practices would be to follow TOMA to the extent it is possible.

Under TOMA, a Meeting is defined as...a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action.

Avoid serial communications – serial communications are a series of communications (in writing or in person) that occur outside a meeting and that concern an issue within the purview of the governing body, in which the members engaging in each individual communications constitute fewer than a quorum of members, but the members engaging in the *series* of communications constitute a quorum. For example, an email related to IPC business that is forwarded from one member to other members and eventually ends up reaching a quorum of members, would be considered a serial communication.

Committees or Workgroups – subcommittees or workgroups should also conform with TOMA to the extent possible.

Posting Notice of meetings and agenda – the notice must be sufficient to apprise the general public of the subjects to be considered during the meeting.

### **Public Comment:**

1. One public comment period per meeting meets the requirements of TOMA for the Council; however, the Council may establish public comment parameters as it deems appropriate.

2. It is recommended that rules of public comment and participation should be established and stated at the beginning of each meeting. It is recommended that members of the public provide their name, who they represent, and have 3 minutes to address issues before the Council in order to allow time for all to participate.

**Meeting recordings/minutes:**

1. TOMA requirements for meeting minutes include:
  - a) A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body.
  - b) The minutes must: (1) state the subject of each deliberation; and (2) indicate each vote, order, decision, or other action taken. Government Code § 551.021 (TOMA)
2. A governmental body must provide the public with access to a recording of any telephonic or videoconference meeting.
3. TWDB will serve as the repository for the Council's records unless directed otherwise by the Council.