GOVERNMENT CODE

TITLE 5. OPEN GOVERNMENT; ETHICS

SUBTITLE A. GENERAL PROVISIONS

CHAPTER 551. OPEN MEETINGS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 551.001. DEFINITIONS. In this chapter:

(1) "Board" means the governing body to which the policy does have access.

(2) "Commission" means a vendor or division exchange between a governmental body and a business entity or business trust that is wholly owned by a governmental body and exists solely to perform services or purchase goods for the governmental body.

(3) "Governmental body" means:

(A) the board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members;

(B) a city commission, board, or committee;

(C) a municipal advisory body with:

(i) a membership body that has rulemaking or budget approval or recommendation authority; and

(ii) a majority of members appointed by:

(a) a single elected board of trustees;

(b) a single elected city council;

(c) a single elected county commissioners court;

(d) a single elected school board;

(e) a single public school district advisory board created under Section 11.251;

(f) a nonprofit corporation that is eligible to receive delegated authority under Section 431.081, Health and Safety Code, to operate a public health clinic or provide services under Section 281.0515, Health and Safety Code, or a nonprofit corporation organized under Chapter 67, Water Code, that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, or its successor under federal law, if:

(a) a board member of the nonprofit corporation is appointed by a public health district or public policy over which the governing body of a municipality or county has oversight;

(b) the nonprofit corporation has a contract with a municipality or county for the provision of public health services or the operation of a public health clinic or other facilities providing services to the residents of the municipality or county, and the contract is approved by the governing body of the municipality or county;

(c) the nonprofit corporation is supported by a tax or assessment on the residents of the municipality or county or on property in the municipality or county;

(d) the nonprofit corporation uses facilities or equipment that are owned by the municipality or county based on a contract between the municipality or county and the nonprofit corporation that is approved by the governing body of the municipality or county;

(e) the nonprofit corporation is subject to the laws of this state relating to open meetings, records, and competitive bidding as if the nonprofit corporation is a municipal or county hospital or other governmental body; and

(f) the majority of the members of the governing body of the nonprofit corporation are residents of the municipality or county;

(D) an advisory board or commission in the executive branch of state government that is not directed by members of the executive branch if the majority of the members are appointed by the governor or by a state agency or department;

(E) a board, commission, department, committee, or agency within a component institution of the Texas State University System;

(F) a nonprofit corporation organized under Chapter 67, Water Code, that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, or its successor under federal law, if:

(i) a board member of the nonprofit corporation is appointed by a public water district over which the governing body of a municipality or county has oversight;

(ii) the nonprofit corporation has a contract with a municipality or county for the provision of services or the operation of a facility providing services to the residents of the municipality or county, and the contract is approved by the governing body of the municipality or county;

(iii) the nonprofit corporation is supported by a tax or assessment on the residents of the municipality or county or on property in the municipality or county;

(iv) the nonprofit corporation uses facilities or equipment that are owned by the municipality or county based on a contract between the municipality or county and the nonprofit corporation that is approved by the governing body of the municipality or county;

(v) the nonprofit corporation is subject to the laws of this state relating to open meetings, records, and competitive bidding as if the nonprofit corporation is a municipal or county hospital or other governmental body; and

(vi) the majority of the members of the governing body of the nonprofit corporation are residents of the municipality or county;

(G) a nonprofit corporation organized under Chapter 67, Water Code, that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, or its successor under federal law, if:

(i) the nonprofit corporation is supported by a tax or assessment on the residents of a municipality or county or on property in a municipality or county;

(ii) the nonprofit corporation uses facilities or equipment that are owned by a municipality or county based on a contract between the municipality or county and the nonprofit corporation that is approved by the governing body of the municipality or county;

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(iv) is subject to the laws of this state relating to open meetings, records, and competitive bidding as if the nonprofit corporation is a municipal or county hospital or other governmental body; and

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SECTION 192.001. MEETING SUBMISSIONS BOARD STAFF OF MEETING. A governmental body may consider and discuss with its staff or staff of an advisory committee appointed under this section a proposal to implement a decision made at a meeting of the governmental body if the governmental body has complied with this chapter in making the decision.

SECTION 192.002. MEETING BY TELEPHONE CONFERENCE CALL. A governmental body may conduct a meeting by telephone conference call if:

(1) a quorum of the governmental body is physically present at a meeting at a physical or electronic location based on a place convenient to the public or the certain administrative office of the governmental body;

(2) the governmental body:

(A) posts notice of each meeting on the electronic bulletin board of the certain administrative office of each meeting in the county in which the certain administrative office is located;

(B) posts notice of each meeting at a place convenient to the public at the certain administrative office of each meeting;

(C) provides notice of each meeting to the secretary of state;

(D) allows public access of each meeting to the county in which the certain administrative office is located through a telephone line that is open during the entire meeting and is located at a place convenient to the public at the certain administrative office of each meeting;

(E) The secretary of state shall post the notice provided under Subsection (D) on a Internet site that is accessible to the public at the certain administrative office of the secretary of state. The secretary of state shall make the notice provided under Subsection (D) available to the public at the office of the secretary of state that receives of the notice provided under Subsection (D) for inspection and copying under Chapter 552.

(F) The secretary of state shall post the notice provided under Subsection (D) on a Internet site that is accessible to the public at the certain administrative office of the secretary of state. The secretary of state shall make the notice provided under Subsection (D) available to the public in the county of the secretary of state that receives of the notice provided under Subsection (D) for inspection and copying under Chapter 552.

(G) The secretary of state shall post the notice provided under Subsection (D) on a Internet site that is accessible to the public in the county in which the certain administrative office is located.

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Added by Acts 1993, 73rd Leg., ch. 296, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.142. DISCLOSURE OF CERTAIN CRIMINAL RECORDS. (a) Notwithstanding a final action decision, or into a decision deferred or a deferred action, a governmental body may not disclose information relating to a criminal history record of a person who is a member of the governmental body.

Added by Acts 1993, 73rd Leg., ch. 296, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.143. PROHIBITED ACTS OF GOVERNMENTAL BODY MEMBERS. (a) A member of a governmental body commits an offense if the member of a governmental body either knowingly or intentionally:

(1) discusses or deliberates a matter with a quorum of the governmental body at a meeting that violates this subchapter;

(2) The prosecuting attorney shall certify that an agenda that under this section or section 551.041 or section 551.042 was posted on the bulletin board of a governmental body:

(1) A statement of the subject matter of each deliberation;

(2) A brief description of each matter of business;

(3) Announcements or reports involving matters of public interest that are not matters in which the governmental body will deliberate.

(d) A notwithstanding under Subsection (a) each closure exception under Section 551.071 or Section 551.072 shall be posted on the bulletin board of a governmental body.

Added by Acts 1993, 73rd Leg., ch. 296, Sec. 1, eff. Sept. 1, 1993.

Sec. 551.144. CONTINUED HEARING OR DELIBERATION. (a) Notwithstanding Subsection (b), a governmental body may continue a hearing or deliberation under an exception of a closed meeting for at least two years after the date of the meeting if the governmental body determines that the purpose of the closed meeting is to protect the rights of a person who is a minor or who is a member of an exempt class of persons.

(b) Subsection (a) does not apply to:

(1) a meeting held under Section 551.074;

(2) a meeting at which a quorum of the governmental body is present;

(3) a meeting held under Section 551.127;

(4) a meeting held under Section 551.129;

(5) a meeting held under Section 551.130;

(6) a meeting held under Section 551.131;

(7) a meeting held under Section 551.132;

(8) a meeting held under Section 551.133;

(9) a meeting held under Section 551.134;

(10) a meeting held under Section 551.135;

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(13) a meeting held under Section 551.138;

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(878) a meeting held under Section 551.1003;

(879) a meeting held under Section 551.1004;

(880) a meeting held under Section 551.1005;

(881) a meeting held under Section 551.1006;

(882) a meeting held under Section 551.1007;

(883) a meeting held under Section 551.1008;

(884) a meeting held under Section 551.1009;

(885) a meeting held under Section 551.1010;

(886) a meeting held under Section 551.1011;

(887) a meeting held under Section 551.1012;

(888) a meeting held under Section 551.1013;

(889) a meeting held under Section 551.1014;

(890) a meeting held under Section 551.1015;

(891) a meeting held under Section 551.1016;

(892) a meeting held under Section 551.1017;

(893) a meeting held under Section 551.1018;

(894) a meeting held under Section 551.1019;

(895) a meeting held under Section 551.1020;

(896) a meeting held under Section 551.1021;

(897) a meeting held under Section 551.1022;

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(b) The court may assess costs of litigation and reasonable attorney fees incurred by a plaintiff or defendant who substantially prevails in an action under Subsection (a). In exercising its discretion, the court shall consider whether the action was brought in good faith and whether the conduct of the governmental body had a reasonable basis in law.

(c) The attorney general may bring an action by mandamus or injunction to stop, prevent, or reverse a violation or threatened violation of Section 551.045(a-1) by members of a governmental body.

(d) A suit filed by the attorney general under Subsection (c) must be filed in a district court of Travis County.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by:

Acts 2019, 86th Leg., R.S., Ch. 462 (S.B. 494), Sec. 3, eff. September 1, 2019.

Sec. 551.143. PROHIBITED SERIES OF COMMUNICATIONS; OFFENSE; PENALTY. (a) A member of a governmental body commits an offense if the member:

(1) knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by this chapter and that concern an issue within the jurisdiction of the governmental body in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and

(2) knew at the time the member engaged in the communication that the series of communications:

(A) involved or would involve a quorum; and

(B) would constitute a deliberation once a quorum of members engaged in the series of communications.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than $100 or more than $500;

(2) confinement in the county jail for not less than one month or more than six months; or

(3) both the fine and confinement.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by:

Acts 2019, 86th Leg., R.S., Ch. 645 (S.B. 1640), Sec. 2, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 645 (S.B. 1640), Sec. 3, eff. June 10, 2019.

Sec. 551.144. CLOSED MEETING; OFFENSE; PENALTY. (a) A member of a governmental body commits an offense if a closed meeting is not permitted under this chapter and the member knowingly:

(1) calls or aids in calling or organizing the closed meeting, whether it is a special or called closed meeting;

(2) closes or aids in closing the meeting to the public, if it is a regular meeting; or

(3) participates in the closed meeting, whether it is a regular, special, or called meeting.

(b) An offense under Subsection (a) is a misdemeanor punishable by:

(1) a fine of not less than $100 or more than $500;

(2) confinement in the county jail for not less than one month or more than six months; or

(3) both the fine and confinement.

(c) It is an affirmative defense to prosecution under Subsection (a) that the member of the governmental body acted in reasonable reliance on a court order or a written interpretation of this chapter contained in an opinion of a court of record, the attorney general, or the attorney for the governmental body.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1999, 76th Leg., ch. 647, Sec. 3, eff. Aug. 30, 1999.

Sec. 551.145. CLOSED MEETING WITHOUT CERTIFIED AGENDA OR RECORDING; OFFENSE; PENALTY. (a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 15, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 16, eff. May 18, 2013.

Sec. 551.146. DISCLOSURE OF CERTIFIED AGENDA OR RECORDING OF CLOSED MEETING; OFFENSE; PENALTY; CIVIL LIABILITY. (a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or recording.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 17, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 87 (S.B. 471), Sec. 18, eff. May 18, 2013.