



# **Conducting Virtual Meetings During the COVID-19 Emergency**

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# Remote Meeting Options in Non-Emergency Circumstances

- ▶ Chapter 551, Subchapter F, of the Government Code addresses meetings by telephone, videoconference, and the Internet.
- ▶ Some specific governmental bodies possess broad authority to use different technologies to conduct their meetings remotely, regardless of the type of meeting held.
- ▶ In the absence of authority specific to the governmental body, general provisions allow for teleconferencing or videoconferencing in limited circumstances.



# Teleconferencing

- ▶ Unless a specific statute provides otherwise:
  - A meeting by teleconference call may be held only if:
    - (1) an emergency or public necessity exists within the meaning of Section 551.045 of this chapter; and
    - (2) the convening at one location of a quorum of the governmental body is difficult or impossible; or
    - (3) the meeting is held by an advisory board.



# Requirements to Teleconference

- ▶ Each part of the teleconference that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be recorded.
- ▶ That location must have two-way communication during the entire telephone conference call meeting, and the identification of each party to the telephone conference shall be clearly stated prior to speaking.



# Videoconferencing

- ▶ Some members of a governmental body may be able to participate in a meeting by videoconference call.
- ▶ How many members of the governmental body may participate by videoconference call depends on the type of governmental body:
  - Members of a state governmental body or a governmental body that extends into three or more counties may all participate by videoconference call, except that the member presiding over the meeting must attend in person.
  - All other governmental bodies must have a quorum present at the meeting location, but any number beyond a quorum may attend by videoconference.



# Requirements to Videoconference

- ▶ The video and audio feed of the member's participation must be broadcast live at the meeting.
- ▶ A member shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The governmental body may continue the meeting only if a quorum of the body continues to participate in the meeting.
- ▶ The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location.



# Suspensions of the Open Meetings Act Allowing Virtual Meetings

“The Office of the Governor is in receipt of OAG’s request to temporarily suspend certain open-meeting provisions of Texas Law. OAG asserts that strict compliance with these laws could prevent, hinder, or delay necessary action by numerous governmental bodies in relation to efforts to cope with the COVID-19 disaster. State and local officials can slow the spread of COVID-19 by avoiding meetings that bring many people into congregate settings. OAG has identified provisions that frustrate this public-health goal by requiring that government officials, members of their staff, and members of the public be physically present at a specified meeting location. OAG’s request would relax these open-meetings requirements to allow for telephonic or videoconference meetings of governmental bodies, without the need for face-to-face contact during a pandemic.”



# Ongoing Public Participation

“COVID-19 notwithstanding, Texans deserve transparency in Government. To that end, OAG’s request would leave important open-meeting protections in place. A governmental body would still be required to give the public written notice before holding a telephonic or videoconference meeting. See, e.g., TEX. GOV’T CODE §§ 551.041, 551.043–551.044, 551.125(c), 551.127(d), 551.141. A governmental body would still have to provide the public with a recording of the telephonic or videoconference meeting. See, e.g., *id.* §§ 551.125(e), 551,127(g). And members of the public would still be entitled to participate and address the governmental body during the telephonic or videoconference meeting, perhaps through dial-in number or videoconference software. See, e.g., *id.* §§ 551.007(b), 551.125(e).”



# The New Virtual Reality

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**A Zoom Meeting Will be Held  
for This Meeting. A Link is  
Provided Below**

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**SPECIAL COVID-19 NOTICE:**

**Due to COVID-19 restrictions, Board meetings or public hearings will be on-line only via Zoom meeting.**

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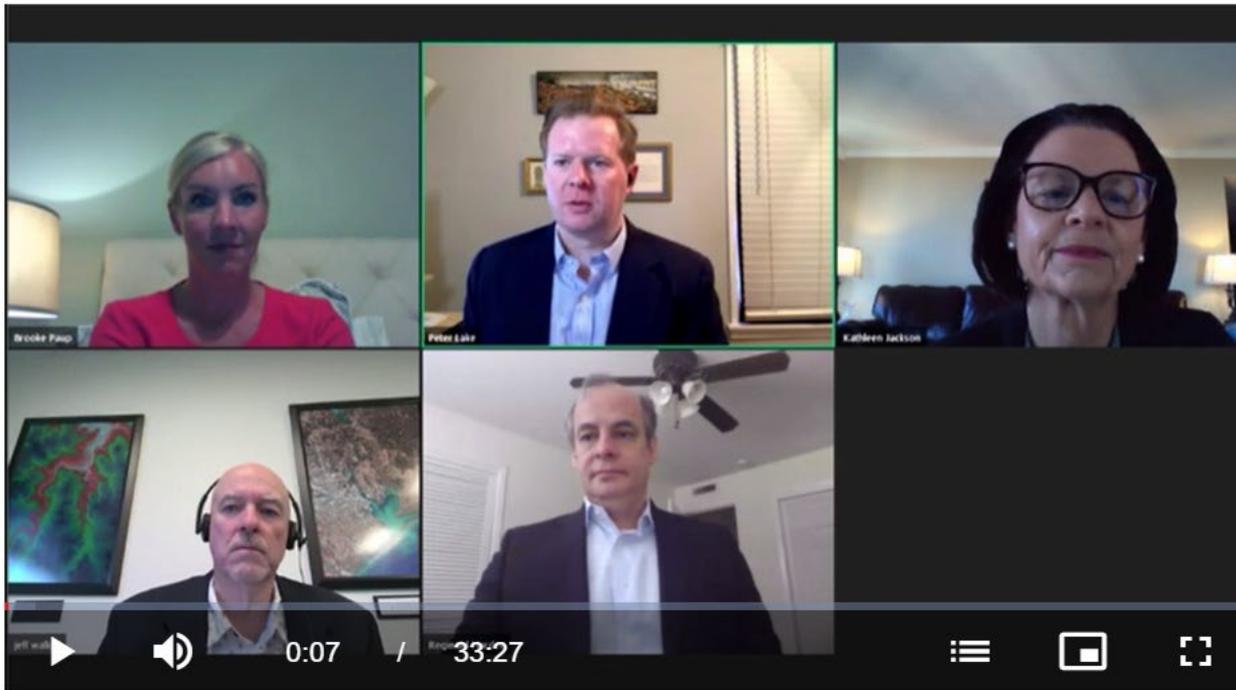
**Commissioners Court meetings  
will be held virtually until further notice.**

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***UPDATE: All meetings are currently being held via video conferencing due to the COVID-19 Pandemic.***



# Meeting from Home





# Department of Information Resources Guidance

- ▶ The Department of Information Resources has published a guide advising governmental bodies about how to procure and use technology tools to assist with meetings and also has a number of resources outlining best practices and addressing cybersecurity within the remote meeting context.
- ▶ <https://dir.texas.gov/>



# Technology Possibilities

- ▶ Examples of technology used by Texas governmental bodies:
  - Telephone Conference Platforms
  - Video Call Platforms
  - TV or Livestream Broadcasts



# Teleconferencing Technologies

- ▶ Cisco WebEx
- ▶ UberConference
- ▶ Vast Conference
- ▶ Conferencing Services through a standard telecommunications provider, such as AT&T, Verizon, or CenturyLink



# Videoconference Technologies

- ▶ Zoom
- ▶ GoToMeetings
- ▶ Skype
- ▶ AmazonCloud



# Live Broadcasting Technologies

- ▶ Facebook Live
- ▶ YouTube
- ▶ TV stations owned by the governmental body



# Notice

- ▶ If conducting a teleconference or videoconference meeting, the meeting notice should clearly identify exactly how to access the meeting remotely, including any needed passwords or hyperlinks.
- ▶ Example:

“Citizens/Visitors wanting to access this meeting may go to: <https://cityoflewsville.zoom.us/j/97080492230> or call 877.853.5257 (Toll Free) or 888.475.4499 (Toll Free). Listeners must sign-into the event in order to comment. Please use the “raise hand” function to participate in any public hearing process while using the zoom application. If you have called into the meeting, press \*9 to raise your hand and speak. If you have a technical issue connecting to this meeting, or during the meeting, call 469.635.5490.”



# Required Recordings

- ▶ The Governor's suspension requires governmental bodies to make a recording of any teleconference or videoconference meeting and make those recordings available to the public.



# Agenda Packets

- ▶ The Governor's suspension requires sharing meeting materials electronically if they would otherwise be shared face-to-face.

“If a governmental body prepares an agenda packet that would have publicly circulated in hard copy at a face-to-face meeting, an electronic copy of the agenda packet must be posted with the agenda to allow members of the public to follow along with the telephonic or videoconference meeting.”



# Tips and Best Practices

- ▶ Use mute when not speaking.
- ▶ Use a headset and mic if sound is problematic with the computer camera.
- ▶ Use the “record automatically” feature.
- ▶ If you start the virtual meeting before the designated time, do not call the meeting to order or allow for any discussion among members prior to the time the meeting is supposed to begin.
- ▶ Have members identify themselves before speaking.



# Office of the Attorney General TOMA Guidance During the Disaster

## **TOMA Response During COVID-19**

(888) 672-6787

[TOMA@oag.texas.gov](mailto:TOMA@oag.texas.gov)

Officials with questions about teleconference and videoconference capabilities offered by the Texas Department of Information Resources should visit [dir.texas.gov](http://dir.texas.gov) or call

(512) 475-4700.