

# Open Meetings and Public Information Act Definitions

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# Open Meetings Act Definitions

## What is a meeting?

- “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.**” *Texas Government Code §551.001(4)(A)*

## What is a quorum?

- Generally, a majority of the members of the governmental body. Some statutes or charters have a different definition. Check with your staff or counsel. *§551.001(6)*

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## What is “deliberation”?

**“Deliberation”** means a **verbal exchange** during a meeting between a quorum of a governmental body, **or between a quorum of a governmental body and another person**, concerning an issue within the jurisdiction of the governmental body or any public business. *§551.001(3)*

# Things that are not Meetings

- A social function unrelated to the public business that is conducted by the body.
- The attendance at a regional, state, or national convention or workshop, ceremonial event, or press conference.
- Attendance at a candidate forum, appearance, or debate to inform the electorate.

## **IF**

- Formal action is not taken and any discussion of public business is incidental.

*§ 551.001(4)*

# Special Legislative Committee Exception

- The attendance by a quorum of a governmental body at a meeting of a committee or agency of the legislature is not considered to be a meeting of that governmental body if the deliberations at the meeting by the members of that governmental body consist only of publicly testifying at the meeting, publicly commenting at the meeting, and publicly responding at the meeting to a question asked by a member of the legislative committee or agency. *§551.035(b)*

# Public Information Act Definitions

- **Information is “public” if:**
    - [t]he information is created by, transmitted to, received by, or maintained **on any device** by an officer or employee of the governmental body in the officer's or employee's official capacity, **or**
    - By a person or entity performing official business or a governmental function on behalf of a governmental body, **and**
    - pertains to official business of the governmental body
- Texas Government Code §552.002(a-1)*

# Public Information Act Definitions

- **“Public information”** now includes:
  - “[e]-mail, Internet posting, text message, instant message, other electronic communication”  
§552.002(c)
- **“Official business”** is now defined to include:
  - “any matter over which a governmental body has any authority, administrative duties, or advisory duties” §552.003(2-a)

# Super Public Information - §552.022

- (1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section [552.108](#);
- (2) the name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a governmental body;
- (3) information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body;
- (4) the name of each official and the final record of voting on all proceedings in a governmental body;

# Super Public Information (Con't)

- (5) all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes by a governmental body, on completion of the estimate;
- (14) administrative staff manuals and instructions to staff that affect a member of the public;
- (16) information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege;
- (18) a settlement agreement to which a governmental body is a party