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Memorandum

To	Board of Directors
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From	Norton Rose Fulbright	Date	July 21, 2021
Re	Meeting Options after September 1, 2021		

Beginning September 1, 2021

As of September 1, 2021, the suspension of certain provisions of the Open Meetings Act that has allowed teleconference and videoconference meetings without a physical meeting location will expire. Therefore, as of September 1, 2021, all Boards of Directors (“Board” or “Boards”) will have to meet in person as usual. However, there will still be two options for Boards to meet semi-virtually after September 1, 2021.

Option 1: Videoconference Hybrid: Physically Present Quorum and Audio/Visual Required

Section 551.127 of the Texas Government Code allows a governmental body to hold a videoconference meeting if the following requirements are followed:

- A quorum of the Board is physically present at one meeting location;
- The meeting location and each remote location from which a Director participates, shall have two-way audio and video communication with each other location during the entire meeting;
- A director who participates in a meeting by videoconference call shall be considered absent from any portion of the meeting during which audio or video communication with the director is lost or disconnected. The governmental body may continue the meeting only if a quorum of the body remains present at the meeting location.
- Each portion of the meeting that is required to be open to the public held by videoconference is visible and audible to the public at the physical meeting location;
- If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved.
- 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.
- The notice of a meeting to be held by videoconference specifies the location where the quorum of the Board will be physically present and specifies the intent to have a quorum present at that location; and
- At least the audio of the meeting is recorded and made available to the public.

Therefore, a Board may hold a semi-virtual meeting if the above requirements are followed and the physical meeting location can support the audio and visual requirements.

Members of the public who wish to attend a meeting that is held semi-virtually, may attend either in person or via the video conference, and the Board may allow a person to speak to the Board whether in person or via the video conference.

Option 2: Telephonic Meeting During Emergency: Physically-present Quorum Not Required at Meeting Location

Section 551.125 of the Texas Government Code allows a governmental body to hold an open meeting by telephone conference call only if:

- (1) An emergency or public necessity must exist; and
- (2) The convening at one location of a quorum of the Board is difficult or impossible.

An emergency or urgent public necessity exists only if immediate action by the board is required because of (i) an imminent threat to public health and safety, including a threat described by the list in (ii) if imminent; or (ii) a reasonably unforeseen situation, including: fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm, power failure, transportation failure, interruption of communication facilities, epidemic, or riot, civil disturbance, enemy attack, or actual or threatened act of lawlessness or violence.

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice of the telephone conference call meeting must specify as the location of the meeting the location where meetings of the governmental body are usually held.

Each part of the telephone conference call meeting 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. The recording shall be made available to the public. The location designated in the notice as the location of the meeting shall provide 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.