



Texas Department of Information Resources

## How-To Guide

# Webinars & Emergency Board Meetings

## TABLE OF CONTENTS

<b>1.0</b>	<b>Introduction</b> .....	<b>3</b>
<b>2.0</b>	<b>Suspension of Certain Open Meetings Act Requirements</b> .....	<b>4</b>
<b>3.0</b>	<b>Meeting Notice Requirements</b> .....	<b>4</b>
<b>4.0</b>	<b>Webinar Meetings of Governing Bodies</b> .....	<b>6</b>
4.1	Procuring a Webinar Tool .....	6
4.2	Notifying Board Members of a Webinar Emergency Board meeting.....	6
4.3	Using a Webinar Platform for an Emergency Board Meeting .....	6
4.4	Concluding a Webinar Meeting .....	8
<b>5.0</b>	<b>Teleconference Meetings of Governing Bodies</b> .....	<b>9</b>
5.1	Procuring a Teleconference System .....	9
5.2	Notifying Board Members of a Telephonic Meeting .....	9
5.3	Using a Teleconference Line for A Governing Body Meeting.....	9

## 1.0 INTRODUCTION

---

Governmental entities are required to comply with the Open Meetings Act, Texas Government Code Chapter 551, when convening a meeting of their governing body. The Open Meetings Act provides broad instructions on how to convene an entity's governing body in an emergency session.

COVID-19, also called coronavirus, provides a unique concern in that gathering members of the public and/or entity staff in a physical setting might constitute a public health risk. The Open Meetings Act does not conceptualize an instance where a governing body meeting might be completely virtual to avoid further spread of contagion. On March 16, 2020, however, Governor Abbott suspended certain requirements of the Open Meetings Act to permit open meetings to occur in a fully virtual setting (e.g. telephonic or videoconference meeting), provided certain requirements are met. These suspensions are described in [Section 2.0](#) below.

DIR recommends governing bodies convene in a virtual forum (e.g. webinar, teleconference) to avoid public health risks to employees, members of the governing body, and the public.

A webinar or teleconference of an open meeting provides a fully-virtual forum in which:

- the public, entity employees, and members of the governing body can engage in self-isolation or social distancing as recommended by the Centers for Disease Control and the State of Texas;
- the public can hear open deliberations by an entity's governing body; and
- the public can interact with an entity's governing body during public comment.

## 2.0 SUSPENSION OF CERTAIN OPEN MEETINGS ACT REQUIREMENTS

---

On March 16, 2020, the Governor temporarily suspended certain open meetings requirements imposed by the Open Meetings Act to slow the spread of COVID-19. This action permits meetings subject to the Open Meetings Act to be hosted by telephone or video conference. Permitted telephone or videoconference mechanisms would include a webinar, either telephonic only or video-capable, hosted on the webinar tools described below, or a teleconference as described below. A quorum of members must still participate in a meeting hosted in either of these manners.

Online notices for an open meeting hosted by webinar or teleconference must include a toll-free dial-in number or a free-of-charge videoconference link in addition to the agenda packet.

As open meetings may be hosted completely virtually at this time, the teleconference or videoconference need not be audible or have two-way communication to members of the public at a specified physical location. However, the dial-in number or videoconference link provided in the meeting notice must make the meeting audible to the public and allow for two-way communication.

A recording of the meeting held by webinar or teleconference must still be made available to the public following the conclusion of the meeting.

The Office of the Texas Attorney General distributed a complete list of statutory suspensions under the Governor's order, which may be found [here](#). The suspensions described above are in effect until terminated by the Office of the Governor or until the March 13, 2020, disaster declaration is lifted or expires. Further questions regarding Open Meetings Act requirements may be directed to [TOMA@oag.texas.gov](mailto:TOMA@oag.texas.gov) or by leaving a message at (888) 672-6787.

Please note: per the [Office of the Governor](#), if officials are not hosting an open meeting by telephone or videoconference, then all open meetings requirements apply.

## 3.0 MEETING NOTICE REQUIREMENTS FOR STATE AGENCIES

---

Notice for open meetings for state agencies are required to be posted with the Secretary of State on the [Open Meetings Portal](#). When posting a notice for an emergency meeting, a state agency is required to provide all mandated information articulated by Texas Government Code § 551.045 and post the notice **no less than one hour prior to the open meeting**. If the meeting is not an

emergency or urgent public necessity meeting, then the state agency must comply with all requirements of the Open Meetings Act governing time, place, and content of notice.

The open meeting notice form published on the Secretary of State's website mandates several fields associated with a physical meeting, e.g. street location, city location, and meeting state. With a webinar or teleconference, none of these items would be applicable. A state agency should attempt to complete these fields with the phrase "not applicable." However, if the Portal does not accept the phrase "not applicable" in the required fields, the state agency may provide:

- Webinar: the weblink or toll-free call-in information generated by the webinar platform;  
or
- Teleconference: the toll-free bridge number.

An agenda for a webinar-hosted governing body meeting must include, at minimum, the webinar link and the toll-free phone number generated by the webinar tool. DIR would recommend including all access information generated by the webinar tool, should an entity's webinar tool generate access information in addition to a web link and phone number.

An agenda for a teleconference-hosted governing body meeting must include the toll-free bridge number as well as any passcode or personal identification number required to enter the teleconference.

## 4.0 WEBINAR MEETINGS OF GOVERNING BODIES

---

### 4.1 PROCURING A WEBINAR TOOL

A webinar tool is required to host a board meeting by webinar. A tool of this nature can be purchased through DIR's cooperative contracting purchase program. A complete list of cooperative contracts with videoconferencing tools available for purchase may be found [here](#). As an example, DIR uses GoToMeeting and is currently transitioning to Zoom for its webinar needs.

### 4.2 NOTIFYING BOARD MEMBERS OF A WEBINAR EMERGENCY BOARD MEETING

A webinar tool may generate an automatic email tool to panelists (or equivalent level authorization). This email will include all generated access information (e.g. weblink, phone number, etc.).

If sending an electronic calendar invite to the meeting, the sender should include the following information:

- Date and time of meeting;
- The generated webinar link; and
- Any other information that the sender deems pertinent.

Other briefing information, such as slides or additional required documents, may be sent however the entity sends such information to their governing body members in the due course of business. A webinar meeting does not alter how these documents are handled.

### 4.3 USING A WEBINAR PLATFORM FOR AN EMERGENCY BOARD MEETING

An entity host, support staff, or member of the governing body or the public may access a webinar exclusively by laptop. No other equipment is required. The integrated microphone in most laptops should suffice for all webinars.

A webinar tool may require an internet download of the software to the individual's computer.

If an individual accesses a webinar through the provided weblink, then that individual will be required to enter certain information. The information required for entry to the webinar is highly configurable so it will be largely entity specific. At minimum, however, an individual will be required to provide their: (1) first name; (2) last name; and (3) email address. Access to the webinar through this weblink must be free of charge to the public.

A member of the public may elect to call in through the number auto-generated by the webinar tool. Any number used for this purpose must be toll-free with no charge to the member of the public.

All Open Meetings Act requirements not specifically waived by the Office of the Governor are still in effect. The public must be given the ability to speak before the governing body should they so choose. Upon creation of a webinar, a host may choose to automatically mute all attendees upon entry to the webinar. If an entity elects not to automatically mute all attendees, then the presiding officer of the governing body should admonish all attendees to mute themselves until such time as public comment is requested or the individual wishes to speak.

The below characterizes generic recommendations informed by DIR's experience with webinar tools and include various considerations and necessities that may arise when hosting an open meeting by webinar.

- Ensure that you are using a webinar functionality within your webinar tool. Most webinar tools permit both meetings and webinars. Meetings permits much more interaction and much less formality. It also may curtail the number of public members who may participate. Webinars typically permit between 500 – 1,000 (dependent upon purchased plan type) individuals to view the meeting through the link generated by the tool. Meetings through a webinar tool may permit far fewer.
- **The webinar tool will generate a web link, phone number, and other access information upon the creation of the webinar.** This information and other information the entity shares regarding the emergency governing body meeting can be posted to a created page on the entity's website.
  - An entity's posted agenda must include access information (e.g. webinar link and toll-free telephone number) generated by the webinar tool.
  - The public should be made aware of the ability to access the open deliberations through the phone number generated by the tool. If an individual accesses the meeting by phone, however, there is no requirement to identify themselves by name.
- Your webinar tool may permit you to live stream to YouTube Live or Facebook. Individuals who view the meeting through a live stream to either YouTube Live or Facebook do not count towards the total amount of individuals permitted to view the meeting through the link generated by the tool. However, comments made on Facebook or YouTube Live are only visible on those platforms. They are not visible on the webinar tool.
- The entity must have a licensed user hosting the board or commission meeting. DIR recommends including additional staff as support. Entity staff are responsible for ensuring that there are no violations of the Open Meetings Act, that public comments are audible by the members of the governing body, and that there is no lapse in webinar functionality that would otherwise trigger a violation of law. The host will be responsible for closing the meeting following the governing body's vote to conclude the meeting.

- Members of the governing body should be identified as panelists (or your tool's equivalent). This permits the member to toggle their own mute button at will, contributing to the discussion as necessary. In a telephonic meeting, the Open Meetings Act requires an individual to identify themselves by name before speaking. The webinar shows who is speaking by name. However, if members of the public call in by the telephone link generated by the webinar tool, individuals should still identify themselves by name before speaking for those on the phone.
- Questions regarding specific webinar operational procedures, webinar capacity, or other technical issues should be discussed directly with your webinar tool provider.

#### **4.4 CONCLUDING A WEBINAR MEETING**

Upon a governing board's vote to conclude an open meeting, the entity host must close the meeting. This ends the recording if an entity elected to use in-tool recording and removes all remaining members of the public, entity staff, and members of the governing body from the webinar tool.

No additional steps need be taken to conclude a meeting in a webinar.

Following the meeting, the entity must make a recording of the meeting available to the public.



## 5.0 TELECONFERENCE MEETINGS OF GOVERNING BODIES

---

### 5.1 PROCURING A TELECONFERENCE SYSTEM

A teleconferencing tool is required to host a board meeting by teleconference. A tool of this nature can be purchased through DIR's cooperative contracting purchase program. A complete list of cooperative contracts with teleconferencing tools available for purchase may be found [here](#). As an example, DIR uses AT&T Teleconference Services for its teleconference needs.

### 5.2 NOTIFYING BOARD MEMBERS OF A TELEPHONIC MEETING

If sending an electronic calendar invite to the meeting, the sender should include the following information:

- Date and time of meeting;
- The teleconference bridge number; and
- Any other information that the sender deems pertinent.

Other briefing information, such as slides or additional required documents, may be sent however the entity sends such information to their governing body members in the due course of business. A teleconference meeting does not alter how these documents are handled.

### 5.3 USING A TELECONFERENCE LINE FOR A GOVERNING BODY MEETING

An entity host, support staff, or member of the governing body or public may access a teleconference line exclusively through a telephone. No other equipment is required.

Any number used for this purpose must be toll-free with no charge to members of the public.

An entity will need to work extensively with its teleconference provider to ensure that the call-in bridge is able to sustain a call with a significant amount of people on the line. Call degradation can occur with numerous people on a traditional teleconference line. As such, DIR recommends an entity reach out to its service provider directly if the entity anticipates hosting a telephonic meeting. At that point, the service provider will be able to identify specific options that would permit a larger range of individuals (e.g. entity staff and members of the governing body and public) to participate in the call.

All Open Meetings Act requirements not specifically waived by the Office of the Governor are still in effect. The public must be given the ability to speak before the governing body should they so choose. Significant background noise can occur during a teleconference call. The presiding officer of the governing body should admonish all attendees to mute themselves until such time as

public comment is requested or the individual wishes to speak. If a service provider is providing “hosted” services and service provider staff is on the line, an entity may consider setting up a call of this nature as a listen-only call, which would permit all remote participants to hear but not be heard; remote participants would then be able to “raise” their hand to request to speak. How a participant “raises” their hand could differ across service providers.

The below characterizes generic recommendations informed by DIR’s experience with teleconference tools and include various considerations and necessities that may arise when hosting an open meeting in this manner.

- The entity may either use an entity’s personal bridge number through the service provider or the service provider may provide a unique number for this specific call. DIR recommends including additional staff as support on the line. Entity staff are responsible for ensuring that there are no violations of the Open Meetings Act, that public comments are audible by the members of the governing body, and that there is no lapse in functionality that would otherwise trigger a violation of law. The entity host or the hosting service provider (at the entity’s request) will be responsible for closing the meeting following the governing body’s vote to conclude the meeting.
  - If an entity elects to use its own allotted bridge line, DIR recommends a bridge number that is used for a teleconference open meeting only be used for open meetings or other public meetings if the bridge requires a passcode or personal identification number to enter the line. This ensures that the public does not have entry access to a bridge number that is used internally to convey potentially confidential information.
- If the bridge line requires a passcode or personal identification number to enter the teleconference meeting, this information must be shared in the posted agenda.
- Any individual who speaks during the open meeting must identify themselves by name prior to speaking.
- Questions regarding specific teleconference operational procedures, call capacity, and other technical issues should be discussed directly with your service provider.

Following the meeting, the entity must make a recording of the meeting available to the public.