

SUBJECT: Excepting certain emergency meetings from open meetings requirements

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 8 ayes — Bohac, Anderson, Biedermann, Cole, Dominguez, Huberty,
Rosenthal, Stickland

0 nays

1 absent — Coleman

WITNESSES: For — Andy Meyers, Fort Bend County; (*Registered, but did not testify:*
Robert Johnston, Anderson County; Sofia Benavides, Cameron County;
Jim Allison, County Judges and Commissioners Association of Texas; KP
George, Robert Pechukas, and Jim Short, Fort Bend County; Joel Romo,
Nueces County Commissioners Court; Russell Schaffner, Tarrant County;
Kelsey Bernstein, Texas Association of Counties; Alexis Tatum, Travis
County Commissioners Court)

Against — Fred Hartman, Texas Press Association; (*Registered, but did
not testify:* Kelley Shannon, Freedom of Information Foundation of Texas;
Mary Berger; Marie Day)

On — (*Registered, but did not testify:* Jennie Hoelscher, Office of the
Attorney General)

BACKGROUND: Government Code sec. 551.041 requires a governmental body to give
written notice of the date, hour, place, and subject of each meeting held by
the body. Sec. 551.043 requires that the notice of a meeting be posted in a
place readily accessible to the general public for at least 72 hours before
the scheduled time of the meeting.

Interested parties have noted that the commissioners courts of some
counties affected by Hurricane Harvey were unable to meet and deliberate
emergency matters because of concerns that meeting without public notice
would violate the state open meetings law.

DIGEST: CSHB 62 would allow county commissioners courts under certain emergency circumstances to meet without complying with certain open meetings requirements.

The bill would apply only to the commissioners court of a county for which the governor had issued an executive order or proclamation declaring a state of disaster or emergency and in which transportation to the meeting location was dangerous or difficult as a result of the disaster or emergency.

Under such conditions, the commissioners court of the county would be allowed to hold an open or closed meeting, including a telephone conference call, without complying with state open meeting requirements, including requirements to provide notice before a meeting or to first convene in an open meeting. The commissioners court could meet solely to deliberate about disaster or emergency conditions and related public safety matters that required an immediate response.

A commissioners court could not vote or take final action on a matter during the meeting and would be required to keep minutes or recordings and to make them available to the public as soon as practicable.

To the extent practicable under the circumstances, the commissioners court would be required to provide reasonable public notice of a meeting called during an emergency or disaster and, if the meeting was open, to allow members of the public and the press to observe the meeting.

The bill's provisions would expire September 1, 2025.

The bill would take effect September 1, 2019.