

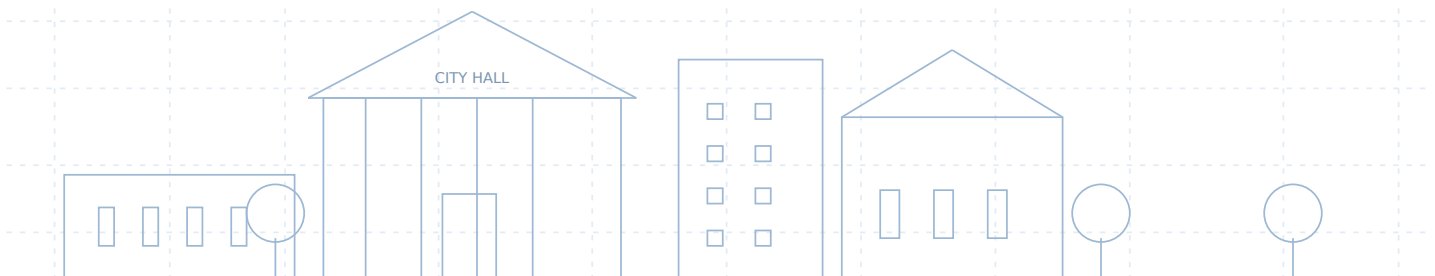
SANTOS LAW

Texas Open Meetings Act Field Guide for Texas Cities

A practical Santos Law resource for mayors, councilmembers, city administrators, city secretaries, police chiefs, department heads, boards, commissions, and municipal staff

This field guide provides a practical overview of the Texas Open Meetings Act for local officials and staff. It is designed to help cities navigate notice, agenda discipline, public comment, executive session, technology risks, and meeting procedure with clarity and confidence.

Source note: Prepared with reference to Texas Government Code Chapter 551, the Texas Attorney General Open Meetings Act Handbook 2026, and Texas Municipal League public Open Meetings Act resources. This guide is original Santos Law educational content and is not a substitute for legal advice.



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Core Principle

If city business may be discussed by a quorum of the governing body, slow down and make sure the notice, agenda, meeting procedure, and recordkeeping are correct.

1. About This Guide

The Texas Open Meetings Act exists to keep local government decision-making open, observable, and accountable. For Texas cities, that means council meetings, board meetings, workshops, special meetings, and executive sessions must be handled with care.

Most Open Meetings Act problems do not come from bad intent. They usually come from avoidable habits: unclear agendas, informal discussion among a quorum, text messages during meetings, overuse of executive session, or council discussion that drifts beyond the posted item.

This field guide is designed to help city officials recognize common risk points before they become legal, political, or public-trust problems. It is written for small and mid-size Texas cities that need practical direction, not a law school treatise.

Practice Point

The safest meeting is one where the agenda tells the public what will be discussed, the discussion stays within that agenda, and the official action is clear in the minutes.

2. Open Meetings Act Quick Checklist

Use this checklist before, during, and after every city meeting.

Check	Question	Safer Practice
<input type="checkbox"/>	Is a quorum involved?	Count members who may be present, participating, texting, emailing, or otherwise communicating.
<input type="checkbox"/>	Is city business being discussed?	If yes, assume Open Meetings Act concerns may apply.
<input type="checkbox"/>	Was proper notice posted?	Confirm timing, place, website posting, and any special local or statutory requirements.
<input type="checkbox"/>	Does the agenda clearly describe the subject?	Avoid vague phrases such as "city business," "personnel," "updates," or "legal matters" without more detail.
<input type="checkbox"/>	Is discussion staying within the agenda?	Redirect off-topic discussion and place new items on a future agenda.
<input type="checkbox"/>	Is public comment being handled properly?	Apply reasonable rules consistently and avoid deliberation on non-posted topics.
<input type="checkbox"/>	Is executive session legally permitted?	Identify the statutory basis before posting or entering closed session.
<input type="checkbox"/>	Was final action taken only in open session?	Return to open session for motions, votes, and final action.
<input type="checkbox"/>	Were minutes or recordings maintained?	Preserve open-session records and executive-session certified agenda or recording.
<input type="checkbox"/>	Are serial communications being avoided?	Do not use one-on-one chains, staff, consultants, texts, or email to build consensus outside a meeting.

3. What Counts as a Meeting?

A meeting is not limited to the regular monthly council meeting. Open Meetings Act issues can arise whenever a quorum of a governmental body discusses public business or public policy.

Quorum Basics

A quorum is usually the minimum number of members required for the body to conduct business. For city councils and boards, the quorum number may depend on state law, the city charter, local rules, or the body's enabling authority.

Before You Act

If enough members are involved that they could collectively conduct business, assume there may be a quorum issue and call legal before discussing city business.

Deliberation

Deliberation means more than a final vote. It includes discussion, exchange, questions, opinions, proposals, or collective consideration of public business.

- Discussing whether to approve a contract.
- Debating the police chief hiring process.
- Asking other members how they plan to vote.
- Comparing views on a pending zoning, personnel, budget, vendor, or public safety item.
- Coordinating support or opposition before a public meeting.

Formal and Informal Gatherings

The Act can apply even if the gathering is informal. Risk can arise at workshops, special meetings, budget sessions, retreats, committee meetings, staff briefings attended by a quorum, conferences, trainings, and social events where conversation turns to pending city matters.

Common Mistake

Treating a "workshop" as less formal. A workshop can still be a meeting if a quorum discusses city business.

Committees and Advisory Boards

A committee, board, or commission may be subject to the Act depending on its authority, composition, and function. Even advisory bodies can raise Open Meetings Act concerns when they are created by the city and perform public functions.

- Planning and zoning commission.
- Board of adjustment.
- Economic development corporation board.
- Charter review committee.
- Police advisory committee.
- Special council committee assigned to study a city issue.

Walking Quorums and Serial Communications

A walking quorum occurs when members communicate in a chain or series to avoid a public meeting while still reaching collective discussion or agreement.

- Member A talks to Member B, then Member B talks to Member C, sharing positions on a city item.
- A staff member or consultant checks with councilmembers one by one to determine support for an item.
- Members use group texts, email chains, or social media messages to discuss pending city business.
- A councilmember asks another member to "see where everyone stands" before the meeting.

Council Reminder

Do not use one-on-one conversations, staff, consultants, or text chains to do outside the meeting what should be done in public.

4. Notice and Agenda Requirements

The notice and agenda are the public's roadmap. They tell residents what the city intends to discuss and what action may be taken.

General Posting Rule

A city meeting generally requires advance written notice stating the date, hour, place, and subject of each meeting. For most meetings, notice must be posted at least 72 hours before the scheduled meeting. Cities should also confirm whether special laws, local policies, budget rules, charter provisions, or emergency procedures impose additional requirements.

Physical and Online Posting

- Physical posting at city hall or another proper location.
- Website posting when required.
- Accessibility of notices to the public.
- Documentation of the posting date and time.
- Preservation of the final posted agenda.

City Secretary Practice Point

Keep proof of posting. A simple timestamped posting record can prevent unnecessary disputes later.

Regular, Special, and Emergency Meetings

Regular meetings should follow the city's adopted schedule and normal posting process. Special meetings should be especially clear because the public may not expect the item to be handled outside the regular meeting cycle. Emergency meetings are limited and should not be used for ordinary time pressure, inconvenience, or poor planning.

Before You Act

Call legal before posting or holding an emergency meeting. Identify the emergency, why it cannot wait, and what immediate city action is legally necessary.

Agenda Wording

Weak Wording	Stronger Wording
Personnel matters.	Discussion and possible action regarding appointment of interim police chief.
Legal update.	Executive session consultation with city attorney regarding pending claim by [name/entity], followed by possible action in open session.
City facilities.	Discussion and possible action regarding contract with [vendor] for council chamber audio-visual upgrades.
Budget.	Discussion and possible action regarding proposed fiscal year budget calendar and public hearing schedule.

Safer Approach

If a resident would be surprised that the city discussed or acted on the matter under that agenda wording, the wording is probably too vague.

5. Agenda Discipline During the Meeting

The meeting should follow the posted agenda. The presiding officer, city administrator, city secretary, and city attorney all play important roles in keeping the meeting on track.

Stay Within the Posted Item

Council may discuss and act only on matters properly posted. Even if a topic is important, timely, or raised by the public, it may need to be placed on a future agenda.

Handling Off-Agenda Questions

If an off-agenda matter comes up, the city may generally provide a brief factual response, refer the person to staff, state that the item can be considered for a future agenda, or ask staff to follow up after the meeting.

The city should avoid council debate, collective fact-finding, polling members, direction to staff that effectively decides the matter, or a motion or vote on a non-posted subject.

Presiding Officer Role

- Call items in order.
- Keep discussion tied to the posted subject.
- Redirect off-topic comments.
- Apply time limits and decorum rules consistently.
- Confirm motions before votes.
- Call for legal guidance when needed.

When to Defer an Item

- The posted wording is too vague.
- Council wants to discuss a related but separate issue.
- New facts create a materially different topic.
- The matter requires executive session but was not posted or announced properly.
- The public would not have had fair notice of the discussion or action.

Suggested language:

"That issue is important, but it is not posted for discussion or action tonight. We can ask staff to place it on a future agenda if appropriate."

6. Public Comment Rules

Public comment is often where meetings become legally and politically sensitive. The public has the right to address the governing body when required by law, but the city may adopt reasonable rules to manage the meeting.

Reasonable Time, Place, and Manner Rules

- Speaker registration procedures.
- Time limits.
- Rules against threats, disruption, or interference with the meeting.
- Rules requiring comments to be addressed to the governing body.
- Procedures for translation or accommodation requests.

Rules should be applied consistently and not based on whether the city agrees with the speaker's viewpoint.

Criticism of City Officials or Employees

Public criticism can be uncomfortable, but criticism alone is not disruption. A speaker should not be stopped merely because they criticize the council, staff, police department, city attorney, city manager/administrator, or city operations. The city may respond to actual disruption, threats, or conduct that prevents the meeting from continuing.

Council Reminder

Do not confuse criticism with disruption. The safer focus is conduct, not viewpoint.

Practical Scripts

Opening public comment: "We will now receive public comments. Speakers will have [time limit] minutes. Please address your comments to the council as a whole. The council may listen and may provide limited factual information, but we cannot deliberate or take action on items that are not posted on tonight's agenda."

Off-agenda comment response: "Thank you. Because that issue is not posted on the agenda, council cannot discuss or act on it tonight. We can ask staff to follow up or consider whether it should be placed on a future agenda."

Disruption warning: "We want to hear your comments, but the meeting must remain orderly. Please direct your comments to the council and avoid interrupting others. If the disruption continues, you may be asked to leave."

7. Executive Session Basics

Executive session is a limited exception to the open meeting requirement. It allows confidential discussion only when a specific legal exception applies.

What Executive Session Is - and Is Not

Executive session is a closed portion of an otherwise properly posted meeting. It may be used for certain confidential subjects, such as legal advice, certain personnel matters, real estate negotiations, economic development, and security matters.

- Not a private policy workshop.
- Not a way to avoid public criticism.
- Not a place to take final action.
- Not a general discussion of sensitive issues.
- Not a place to discuss anything outside the announced exception.

Common Executive Session Exceptions

Exception	Practical Use	Caution
Attorney consultation	Confidential legal advice about claims, litigation, legal duties, settlement, or legal risk.	The attorney's presence alone does not justify closed session.
Personnel matters	Certain discussions involving appointment, employment, evaluation, reassignment, duties, discipline, or dismissal.	General policy, staffing, or budget discussion may need open session.
Real estate	Purchase, exchange, lease, or value of real property when open deliberation would harm negotiating position.	Stay tied to negotiation/value issues.
Economic development	Certain business prospect information or incentive negotiations.	Do not use for general development policy.
Security matters	Certain security devices, audits, or deployment issues.	Confirm the scope before closing the meeting.

Required Announcements

Before entering executive session, the presiding officer should clearly announce that the body is going into executive session, the agenda item, the legal basis, and the time. When returning to open session, announce the return and the time.

No Final Action in Executive Session

- 1 Discuss confidential issue in executive session.
- 2 Return to open session.
- 3 Make a clear motion.
- 4 Allow proper open-session action.
- 5 Record the action in the minutes.

8. Minutes, Recordings, and Records

Good records protect the city. Poor records create confusion, distrust, and unnecessary legal risk.

Open Session Minutes

- Date, time, and location.
- Members present and absent.
- Agenda items considered.

- Motions made.
- Votes taken.
- Final actions.
- Time of adjournment.

Minutes do not need to transcribe every statement. They should accurately reflect what official action occurred.

Executive Session Records

Executive sessions require a certified agenda or recording as applicable. These records are confidential and must be preserved carefully.

Public Information Act Overlap

Meeting-related documents may also become public information. Emails, texts, notes, and drafts can become records depending on their content and use.

Common Mistake

Assuming texts or personal-device communications are not city records. If they involve official city business, they may create retention and public information issues.

Avoiding Shadow Records

- Personal notes used as unofficial minutes.
- Group text threads discussing agenda items.
- Private email chains about city business.
- Consultant summaries of councilmember positions.
- Staff-created vote tallies before a meeting.

9. Technology, Texting, Email, and Social Media

Modern communication creates many Open Meetings Act problems. A conversation does not need to happen in the council chamber to create risk.

Group Texts

Avoid group texts among councilmembers about city business. Even logistical texts can drift into deliberation.

Safer: "Reminder: meeting begins at 6:30 p.m."

Risky: "Are we all still good with terminating the vendor tonight?"

Email and Reply-All Risks

Email should be used carefully. One-way distribution of information may be permissible in some circumstances, but reply-all discussion among members can create deliberation risk. Do not reply-all to council or board emails about public business unless legal counsel has advised that the communication is appropriate.

Social Media

- Multiple councilmembers debating a pending agenda item in Facebook comments.
- A member tagging other members and asking how they will vote.

- Private messages among a quorum about a city issue.
- A member using social media to coordinate support before the meeting.

Staff as Intermediaries

Staff should not be used to poll members, build consensus, or communicate positions among councilmembers outside a meeting.

Risky staff question: "Can I tell the mayor you support this so we know we have the votes?"

Safer staff question: "Do you have any factual questions about the agenda materials that staff can answer before the meeting?"

Before You Act

Call legal before relying on remote participation for voting members, especially for controversial or high-stakes items.

10. Common Open Meetings Act Mistakes

Discussing items not clearly posted

Example: Agenda says "department updates," but council discusses whether to terminate a department head. Safer approach: Post the specific subject if council may deliberate or act.

Using vague agenda language

Example: Agenda says "legal matters" for a detailed discussion of a specific pending claim. Safer approach: Identify the matter with enough detail to give public notice while preserving privilege where appropriate.

Reply-all emails among members

Example: Staff sends a contract update and members reply-all with opinions about approval. Safer approach: Do not deliberate by email. Ask factual questions individually through staff or wait for the meeting.

Texting during meetings

Example: Councilmembers text during public comment about how to handle a speaker's complaint. Safer approach: Keep discussion in the open meeting and on the posted agenda.

Using executive session as a private policy discussion

Example: Council enters under attorney consultation but debates general policy preferences. Safer approach: Keep executive session tied to the specific legal exception.

Taking action without a clear open-session motion

Example: Council returns from executive session and says, "We'll proceed as discussed." Safer approach: Make a clear motion in open session that states the action being taken.

Council discussion during public comment

Example: A resident complains about road repairs and council debates funding options. Safer approach: Thank the speaker, provide limited factual information if appropriate, and place the item on a future agenda.

Informal polling outside a meeting

Example: A member or staff person contacts members one by one to see who supports a contract. Safer approach: Do not count votes or build consensus outside the meeting.

11. Red Flag Scenarios: Call Legal Before Acting

- A controversial item is likely to draw public attention.
- A councilmember wants to add something at the last minute.
- A quorum is communicating by text, email, or social media.
- A personnel issue may be discussed.
- The city wants to enter executive session.
- A member wants to discuss something raised during public comment.
- A meeting may need to be cancelled, recessed, or continued.
- A disruptive person may need to be removed.
- An emergency meeting is being considered.
- The city receives a complaint about a possible Open Meetings Act violation.
- A vendor, consultant, or staff member is polling councilmembers.
- Council wants to discuss litigation, claims, settlement, or legal exposure.
- The agenda wording may not match the intended discussion.
- A member wants to participate remotely.
- A budget, tax rate, zoning, land use, contract, employment, or police matter is politically sensitive.

Practice Point

When in doubt, pause. Most meeting problems are easier to prevent than fix.

12. Practical Tools and Templates

Agenda Review Checklist

- Does the item identify the specific subject?
- Does it say whether discussion and possible action may occur?
- Is the wording clear to a resident who does not work for the city?
- Does the item match the staff memo and intended action?
- Does the item need executive session language?
- Is the statutory executive session basis identified if needed?
- Is the item too broad or too narrow?
- Has legal reviewed high-risk items?

City Secretary Posting Checklist

- Confirm meeting date, time, and location.
- Confirm agenda version is final.
- Confirm physical posting location.
- Confirm website posting.
- Confirm posting deadline.
- Save proof of posting.
- Save final agenda PDF.
- Confirm meeting packet distribution.
- Confirm accessibility or accommodation instructions.
- Confirm special meeting or emergency meeting requirements if applicable.

Executive Session Checklist

- Is the item posted?

- Is there a valid exception?
- Has legal confirmed the exception?
- Who needs to attend?
- What specific topic may be discussed?
- What should not be discussed?
- Who will keep the certified agenda or recording?
- After executive session, return to open session for any motion, vote, or final action.

Meeting Disruption Response Checklist

- 1 Identify the conduct, not the viewpoint.
- 2 Give a clear warning.
- 3 Explain the rule being violated.
- 4 Offer a chance to comply.
- 5 Recess if needed.
- 6 Consult legal when possible.
- 7 Remove only when necessary to restore order.
- 8 Document what occurred.

Suggested warning:

"You may continue your comments, but you must stop interrupting and allow the meeting to proceed. If the disruption continues, you may be asked to leave."

Mayor and Presiding Officer Cue Phrases

- "Let's bring the discussion back to the posted item."
- "Before we go further, I want to ask the city attorney whether this discussion is within the posted agenda."
- "This appears to be a separate issue. We can consider placing it on a future agenda."
- "The council will now convene in executive session regarding agenda item [number] under [legal basis]. The time is [time]."
- "The council is now back in open session. The time is [time]. No final action was taken in executive session."

Annual TOMA Training Reminder Checklist

- Confirm new officials complete required Open Meetings Act training.
- Keep certificates or proof of completion.
- Provide annual refresher reminders.
- Review public comment, executive session, technology, and agenda posting procedures.
- Train new board and commission members.
- Remind staff not to poll councilmembers.
- Update internal meeting scripts and checklists.

13. City Attorney Practice Notes

Practice Point: Agenda Specificity Is Risk Control

A clear agenda protects the public, the council, staff, and the final action taken. When an item matters, use plain language and identify the actual subject.

Common Mistake: Treating Executive Session as a Safe Harbor

Executive session is not automatically safe just because the door is closed. The city must have a valid legal basis, must announce it properly, must stay within the exception, and must take final action in open session.

Before You Act: Personnel Issues Need Care

Personnel discussions often raise overlapping issues: Open Meetings Act, employment law, privacy, due process, civil service, police department rules, and public information concerns. Do not improvise.

Safer Approach: Use Staff Follow-Up for Public Comment

When residents raise new issues, the safest immediate response is usually to thank them, avoid deliberation, and have staff follow up.

Council Reminder: Do Not Count Votes Outside the Meeting

Do not ask where everyone stands, do not build consensus through staff, and do not use texts or calls to line up votes before the meeting.

14. Practical Examples for Small and Mid-Size Texas Cities

Police Chief Hiring

Scenario: The city wants to discuss the hiring process for a permanent police chief.

Risk: Council may drift into discussion of specific candidates, personnel records, or informal polling.

Safer approach: Discussion and possible action regarding process and timeline for appointment of permanent police chief, including qualifications, application review process, interview schedule, and related matters.

Grant Writer Contract

Scenario: The city is unhappy with a consultant's performance.

Risk: Agenda says "grant updates," but council wants to terminate or renegotiate the contract.

Safer approach: Discussion and possible action regarding performance, scope of services, payment obligations, and possible amendment or termination of agreement with [consultant/vendor].

Public Complaint About Roads

Scenario: A resident uses public comment to complain about a dangerous road.

Risk: Council begins debating funding, contractor performance, and repair priorities.

Safer approach: Thank the speaker, avoid deliberation, have staff follow up, and determine whether the item should be placed on a future agenda.

Texting During a Heated Meeting

Scenario: Councilmembers text each other during public comment about how to respond.

Risk: Deliberation outside the public meeting and possible creation of public records.

Safer approach: Do not text about meeting substance. Keep discussion at the dais and on the posted agenda.

Emergency Meeting Request

Scenario: A councilmember wants an emergency meeting because a controversial issue is spreading on Facebook.

Risk: Public controversy is not automatically an emergency.

Safer approach: Call legal, evaluate whether immediate action is legally necessary, and use proper notice whenever possible.

15. Conclusion and Source References

The Texas Open Meetings Act is not just a legal requirement. It is a public trust system. It helps residents see how decisions are made, gives city officials a clear process, and protects the legitimacy of local government action.

For most Texas cities, compliance depends on a few consistent habits: post clear agendas, stay within the posted subject, handle public comment with discipline and respect, use executive session only when legally authorized, take final action in open session, keep proper records, avoid serial communications, and call legal before high-risk decisions.

Final Practical Message

Most Open Meetings Act problems can be avoided through clear agendas, disciplined discussion, careful executive session practice, proper records, and early legal review.

Source References

This guide is original Santos Law educational content prepared with reference to public legal and municipal resources, including:

- Texas Government Code Chapter 551, Open Meetings.
- Texas Attorney General, Open Meetings Act Handbook 2026.
- Texas Municipal League, Texas Open Meetings Act Made Easy 2025 and related TML open government resources.

Santos Law

Strategic legal counsel for Texas cities, local governments, and consequential public matters.

This resource is provided for general educational purposes and is not a substitute for legal advice regarding any specific city matter.