

Equitable Open Meeting Law

WHEREAS Government Code Chapter 551 aka [Open Meetings Act](#) was adopted to help make governmental decision-making accessible to the public. It requires meetings of governmental bodies to be open to the public, except for expressly authorized closed sessions, and to be preceded by public notice of the time, place, and subject matter of the meeting. “The provisions of the act are mandatory and are to be liberally construed in favor of open government,”

WHEREAS in 2019, [HB 2840](#) added language to the open meeting law that at the discretion of the governing body may restrict comments to “an item on the agenda,”

*(b) A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.*

WHEREAS prior to 2019 changes to the Open Meetings Act, the public could comment on any matter whatsoever. **Given that much public debate occurs when the governing body refuses to place items of public interest on an agenda, thereby blocking public input on governmental decision-making actions since the governing board has the power and authority to refuse to place an item on an agenda despite the public’s request,**

WHEREAS HB 2840 also included language that at the discretion of the governing body may restrict time for comments,

*(c) A governmental body may adopt reasonable rules regarding the public's right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item.*

WHEREAS the public has reported that a governing body has restricted their comments to 90 seconds after the governing body called a special session to remove the public so that only the governing board, and not the public, were able to hear the public comments,

WHEREAS current language state that boards are not required to provide a public forum for every person wishing to express an opinion on any matter whatsoever, since Tex. Att’y Gen. Op. No. JH-0188 (1973) define “open to the public” does not mean that the public may choose the items to be discussed; it means that the public is permitted to attend the meetings,

WHEREAS current language permits governing bodies to restrict time allocated and public comments at their discretion but may also allow members of the public to provide information and feedback to the board about matters not listed on the board’s agenda as a matter of local practice,

THEREFORE BE IT RESOLVED that the Texas Legislature enact legislation to insure public comments before the governing bodies are permitted on any topic the public deems appropriate, that time may not be restricted to less than 2 minutes, and that individuals may defer their allocated time to a designated speaker to insure open government.

Choose one:

Adopted by the \_\_\_\_\_ (Precinct \_\_\_\_\_) convention on March \_\_\_\_, 2022.

Adopted by the \_\_\_\_\_ (county/SD \_\_\_\_\_) convention on March \_\_\_\_, 2022.