

AGENDA ITEM SUMMARY SHEET

City of Rollingwood

Meeting Date: July 20, 2022

Submitted By:

Council Member Phil McDuffee

Agenda Item:

Discussion and possible action to create a Rollingwood City Council Message Board in compliance with Sec. 551.006 of the Texas Government Code regarding Open Meetings.

Description:

Governmental bodies in Texas are allowed to communicate among themselves and with select staff if the written electronic communications are fully accessible to the public. An online Message Board for use by the City Council and City Staff would:

- € Increase efficiency and coordination of City Council and City Staff while remaining strictly compliant within the Texas Ethics Open Meetings Act.
- € Increase the transparency of Rollingwood City Council proposals and communications.
- € Increase citizen engagement regarding issues before the City Council.

Action Requested:

Authorize City Staff to add an Online Message Board to the City Council section of the Rollingwood website and to consult with and/or hire outside consultants if necessary to complete this task.

Fiscal Impacts:

TBD

Related Links and Documents:

Link to the City of Austin City Council web page where citizens may access the City Council Message Board under the Featured Resources section:

<https://www.austintexas.gov/austin-city-council>

Link to the City of Austin City Council Message Board:

<https://austincouncilforum.org/>

Applicable Texas Government Code:

GOVERNMENT CODE
TITLE 5. OPEN GOVERNMENT; ETHICS
SUBTITLE A. OPEN GOVERNMENT
CHAPTER 551. OPEN MEETINGS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 551.006. WRITTEN ELECTRONIC COMMUNICATIONS ACCESSIBLE TO PUBLIC.

(a) A communication or exchange of information between members of a governmental body about public business or public policy over which the governmental body has supervision or control does not constitute a meeting or deliberation for purposes of this chapter if:

(1) the communication is in writing;

(2) the writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and

(3) the communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted.

(b) A governmental body may have no more than one online message board or similar Internet application to be used for the purposes described in Subsection (a). The online message board or similar Internet application must be owned or controlled by the governmental body, prominently displayed on the governmental body's primary Internet web page, and no more than one click away from the governmental body's primary Internet web page.

(c) The online message board or similar Internet application described in Subsection (a) may only be used by members of the governmental body or staff members of the governmental body who have received specific authorization from a member of the governmental body. In the event that a staff member posts a communication to the online message board or similar Internet application, the name and title of the staff member must be posted along with the communication.

(d) If a governmental body removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the governmental body shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with Chapter [552](#).

(e) The governmental body may not vote or take any action that is required to be taken at a meeting under this chapter of the governmental body by posting a communication to the online message board or similar Internet application. In no event shall a communication or posting to the online message board or similar Internet application be construed to be an action of the governmental body.

Information from the Attorney General of Texas:

As stated on Page 24 of the 2022 Open Meetings Handbook – Office of the Attorney General:

Section 551.006 authorizes members of a governmental body to communicate through an online message board or similar Internet application. 185 A governmental body utilizing an electronic message board may have only one such board and it can be used by only members of the governmental body and their authorized staff.186 The online message board must be prominently displayed on the governmental body’s primary Internet web page and no more than one click away from that page.187 A governmental body that removes a communication from the online message board that has been posted for at least 30 days must maintain the posting for a period of six years, and the communication is public information under the Public Information Act.188 Most importantly, a governmental body may not vote or take any action by communication on an online message board.189

185 Id. § 551.006.

186 Id. § 551.006(b), (c) (providing that a posting by a staff member must include the staff member’s name and title).

187 Id. § 551.006(b).

188 Id. § 551.006(d).

189 Id. § 551.006(e).