

# OPEN MEETINGS & NOTICE

## QUICK REFERENCE GUIDE FOR GCDs

An **OPEN MEETING** is any meeting where a quorum of district directors is discussing or taking action on public business; or when a quorum of district directors is receiving information from or providing information to a third party. While advisory committees (with no authority to make final decisions) may not be subject to open meetings requirements, any **committee meeting** with a quorum of board members present is considered an open meeting and must meet all requirements. (*Tex. Gov't Code 551.001, Tex. Water Code 36.053, 36.064*)

### Notice Requirements for Open Meetings: Regular Meetings/Public Hearings

(*Tex. Gov't Code 551.053, 551.054, 551.056(b); Tex. Water Code 36.063*)



**72 HOURS**



Regular meeting and public hearing notices must contain the date, time, place, and subject of the meeting. (*Tex. Gov't Code 551.041*)

- District office
- District website (& agenda) **NEW**
- County clerk(s) **OR** district website
- Secretary of State (if  $\geq 4$  counties)

### Additional Notice Requirements for Permit Hearings

(*Tex. Water Code 36.404*)



**10 DAYS**

- REQUIRED - County clerk(s)
- REQUIRED - Mail to applicant and anyone else entitled to receive notice under the rules of the district
- REQUIRED - Mail, email, or fax to anyone else who requested notice



Permit hearing notices must contain all required elements of a district meeting notice plus:

- applicant's name
- address or approximate location of well
- brief explanation of the proposed permit or amendment, including any requested amount of groundwater, proposed use, and any change in use.

### Additional Notice Requirements for Rulemaking Hearings

(*Tex. Water Code 36.101 (d), (e))*)



**20 DAYS**

- REQUIRED - County clerk(s)
- REQUIRED - Newspaper
- REQUIRED - Mail, email, or fax to anyone else who requested notice



Rulemaking hearing notices must contain all required elements of a district meeting notice plus a brief explanation of the subject of the rulemaking hearing and a location or website at which the proposed rules may be viewed or copied. A copy of proposed rules must be made available at the district office during business hours.

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**CAUTION!** Discussing public business through a series of communications like a group email, text messages, or phone calls, constitutes a **"walking quorum"** and is in violation of open meetings laws. For this reason, many districts Bcc, or blind copy, board members on emails. (*Tex. Gov't Code 551.143*)



**BEWARE!** Social functions, legislative appearances, workshops, regional conferences, and other gatherings are **not considered to be meetings** even if a quorum of the board is present. However, if just one board member speaks to the others about any district business, that could be considered an illegal meeting. (*Tex. Gov't Code 551.0035, 551.001 (4)*)

### Joint Planning Notice Requirements

Joint GMA Meeting	⌚ 10 DAYS
Adoption of a DFC	⌚ 10 DAYS

- REQUIRED - Each district's office
- REQUIRED - Secretary of State
- REQUIRED - County clerk of every county of every district in GMA



**GMA meeting** notices must contain all elements of a district meeting notice plus the name of each GCD located in the GMA and the name, phone number, and address of at least one person to whom questions or comments may be submitted. Notices for a district's DFC hearing must include all of the preceding elements as well as information on how the public may submit comments. (*Tex. Water Code 36.108 (e-2), 36.063*)

**DON'T FORGET! Save proof of notice for submission with the explanatory report.**

(*Tex. Water Code 36.108 (d-2), (d-3), (e)*)

### Reasons a District May Hold a Closed Meeting

(*Tex. Gov't Code 551.071, 551.072, 551.073, 551.074, 551.076, 551.088*)

- consideration of specific personnel matters
- certain consultations with its attorney
- discussions on the value or transfer of real property
- discussions about a prospective gift or donation to the district
- discussions on security personnel, security devices, or a security audit
- discussions by a governing body of potential items on tests that the governing body conducts for purposes of licensing individuals to engage in an activity

