



# CITY OF MCKINNEY, TEXAS

## Legislation Details (With Text)

<b>File #:</b>	19-0400	<b>Name:</b>	Open Gov't Training
<b>Type:</b>	Agenda Item	<b>Status:</b>	Discussion Item
		<b>In control:</b>	McKinney Housing Finance Corporation
<b>On agenda:</b>	5/10/2019	<b>Final action:</b>	
<b>Title:</b>	Review on Open Government Training		
<b>Indexes:</b>			
<b>Attachments:</b>	1. Open Government Training		

Date	Ver.	Action By	Action	Result
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Review on Open Government Training

### ITEM SUMMARY:

- It is the City of McKinney’s stated policy to make training on Open Government procedures and expectations for ethical conduct available to all Board and Commission members on an annual basis
- Topics in the training include;
  - Board and Commission Appointment,
  - Conflicts of Interest/Disclosure,
  - Nepotism,
  - Texas Open Meetings Act,
  - Texas Public Information Act, and
  - Other Ethical and Legal Considerations
- Texas Open Meeting Act (Texas Gov’t Code Chapter 551) - Slides 35-81
  - Executive Session - Slides 62-74
- What is an Executive Session?
  - A limited exception from the general Open Meetings Act rule that all governmental business must be conducted in the presence of the public
  - Executive sessions are limited to discussion, not action or voting
    - Subjects include: Personnel matters; certain consultations with an attorney; discussions about the value or transfer of real property; discussion of certain economic development matters; and deployment or implementation of security personnel or devices or a security audit.
- Who is permitted to attend an Executive Session?
  - The Open Meetings Act does not specify who may or may not attend an executive session
  - Texas Attorney General Opinion JC-0375 (2001):
    - Concluded the governmental body has discretion to determine who may attend executive sessions. However, the governmental body may not admit those

- whose attendance is contrary to the legal basis for the executive session.
- Can a governmental body approve items or vote in an executive session?
  - No. “a final action, decision, or vote on a matter deliberated in a closed meeting...may only be made in an open meeting.” Texas Gov’t Code §551.102
- Texas Gov’t Code §551.103 requires a governmental body to produce a “certified agenda” or make a tape recording of every executive session, unless the closed session is being held under the exception for consultation with an attorney. A governmental body may turn off the tape or stop taking notes during the portion of a closed meeting that portion of a closed meeting that involves consultations with an attorney.
- Can a member of the governmental body or staff release a copy of a certified agenda to the public?
  - No. A certified agenda or tape kept during an executive session may only be disclosed to a member of the public under a court order. In fact, there are criminal penalties for releasing a copy of the certified agenda to the public without a court order
    - Texas Gov’t Code §551.146: makes the release of a certified agenda a class B misdemeanor
  - A City must maintain a certified agenda of an executive session for two (2) years after the date of the meeting
    - If an action involving the meeting is brought within that period, the city shall preserve the certified agenda while the action is pending.