

Emergency Meetings

Our thoughts are with all of the city officials who have been devastated by Hurricane Harvey and the related flooding. During these circumstances, cities will continue to address the needs of citizens and city councils will need to meet to address pressing issues.

The Open Meetings Act provides an exception to the 72-hour agenda posting rule. In an emergency situation, the notice of a meeting must only be posted 2 hours before the meeting begins. Tex. Gov't Code § 551.045. The agenda must clearly identify the emergency necessitating the meeting. Additionally, notice of the emergency meeting must be provided to members of the news media at least one hour before the meeting begins. Tex. Gov't Code § 551.047. The Open Meetings Act does not allow a council to add non-emergency items to the agenda for the emergency meeting (unless the non-emergency items have been posted for at least 72 hours).

If it is difficult or impossible for a quorum of the council to meet in person at your regular meeting location, then the council can meet by telephone conference call. Tex. Gov't Code § 551.125. There are procedural requirements that the city must follow:

1. The meeting notice must be posted at least 2 hours in advance, and the meeting must be open to the public. The council is not required to state in the agenda that the meeting will be held by telephone conference call. Tex. Att'y Gen. Op. No. JC-352 (2001).
2. The meeting must be held in the same place where meetings of the council are usually held.
3. The identity of each speaker must be clearly stated prior to that person speaking.
4. The meeting must be set up to provide two-way communications throughout the entire meeting.
5. All portions of the meeting (other than executive sessions) must be audible to the public.
6. The meeting must be recorded and a copy of the recording must be made available to the public.

If you are unable to meet as a quorum, either in person or via telephone conference call, then chapter 418 of the Government Code provides an exception to the quorum requirement. Tex. Gov't Code § 418.1102. For cities in counties located in areas declared a disaster by Governor Abbott (<https://gov.texas.gov/news/post/governor-abbott-again-adds-additional-counties-for-hurricane-harvey-disaste>), if a majority of the members of the council are unable to be present, the meeting may still occur and action may be taken by those in attendance.

If you have additional questions, please feel free to contact the TML Legal Department at (512) 231-7400 or legalinfo@tml.org (<mailto:legalinfo@tml.org>).

Government Code 551.045 on 6/26/2014

Sec. 551.045. EXCEPTION TO GENERAL RULE: NOTICE OF EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA. (a) In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added as an item to the agenda for a meeting for which notice has been posted in accordance with this subchapter is sufficient if it is posted for at least two hours before the meeting is convened.

(b) An emergency or an urgent public necessity exists only if immediate action is required of a governmental body because of:

- (1) an imminent threat to public health and safety; or
- (2) a reasonably unforeseeable situation.

(c) The governmental body shall clearly identify the emergency or urgent public necessity in the notice or supplemental notice under this section.

(d) A person who is designated or authorized to post notice of a meeting by a governmental body under this subchapter shall post the notice taking at face value the governmental body's stated reason for the emergency or urgent public necessity.

(e) For purposes of Subsection (b) (2), the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to members of the news media as provided by Section 551.047 not later than one hour before the meeting.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 3.06, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1325 (S.B. 1499), Sec. 1, eff. June 15, 2007.

The statutes available on this website are current through the Regular Session of the 84th Legislature, June 2015. The Texas Constitution is current through the amendments approved by voters in November 2015.