

Videoconferencing Guidelines

Introduction

The Texas Open Meetings Act allows the use of videoconferencing as a method for Local Workforce Development Boards (Boards) to conduct Board meetings. This option allows for state and local governmental entities to conduct public business responsibly and in accordance with the law. These guidelines should be used by Boards to understand the considerations that must be given and the requirements that must be adhered to lawfully conduct a videoconference. More specifically, these guidelines will include information on:

- participation of Board members by videoconference meeting quorum requirements;
- notice of meeting requirements;
- public access to a meeting by videoconference; and
- considerations for lost connectivity.

These guidelines also will provide information on technical standards, Texas Department of Information Resources (DIR) recommendations, security standards, and answers to circumstances or scenarios a Board may encounter while conducting a videoconference.

Required Accommodations at Open Meetings for Attendees Who Have a Disability

A Board must make its meetings accessible to individuals with disabilities. Title II of the Americans with Disabilities Act (ADA), federal regulations, and case law provide that activities of state and local governing bodies, including meetings, are subject to the ADA. This requirement means that the facility holding the meeting must be physically accessible to individuals with disabilities. Similarly, communications with disabled individuals must be as effective as communications with others. Individuals with disabilities must have equal opportunity for effective communication and participation in public meetings.

Entities may ask individuals with disabilities to provide the entity with reasonable notice about accommodations they need to follow the proceedings at the meeting. Entities must be ready to provide an accessible meeting site and provide alternative forms of communications that address the needs of individuals with disabilities. This may involve providing sign language interpreters, readers, or large print or braille documents upon request and with reasonable notice.

Videoconferencing

The applicable requirements for videoconferencing differ for Boards that serve fewer than three counties and those that serve three or more counties.

What procedures must a Board that serves fewer than three counties (Cameron County, Capital Area, Tarrant County, Greater Dallas) follow when Board members will participate in a Board meeting by videoconference call?

For Boards serving fewer than three counties, the following requirements apply:

- A quorum of the Board must be physically present at the host location.
- The video and audio feed of the Board members participating from a remote location must be broadcast live at the host location.

- The meeting notice must specify where the quorum of the Board will be physically present (host location) and the intent to have a quorum present.
- Each portion of the meeting held by videoconference call that is required to be open to the public must be visible and audible to the public at the location where the quorum is present.
- The Board must make at least an audio recording of the meeting, and the recording must be made available to the public.
- The host location where the quorum is physically present, and each remote location from which a Board member participates, must have two-way audio and video communication with each other location during the entire meeting. Each participant's face in the videoconference call, while speaking, must be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the host location where a quorum is present, and at any other location of the meeting that is open to the public.
- The audio and video signals perceptible by members of the public at each location of the meeting must meet or exceed minimum standards established by DIR rules. These minimum standards can be found in the Videoconferencing Guidelines section of this document.
- The quality of the audio and video signals perceptible by members of the public at the host location where the quorum is present and any remote location must be such that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

The requirements set out above are in addition to requirements that otherwise apply to meetings under the Act.

What procedures must a Board that serves three or more counties (Alamo, Borderplex, Brazos Valley, Concho Valley, Deep East Texas, East Texas, North Central Texas, South Texas, Heart of Texas, Golden Crescent, Gulf Coast, Lower Rio, Middle Rio, North Texas, Northeast, Central Texas, Coastal Bend, West Central Texas, Panhandle, Permian Basin, Rural Capital Area, South Plains, Southeast Texas, and Texoma) follow when Board members participate in a meeting by videoconference call?

For Boards serving three or more counties, the following requirements apply:

- Board members may participate remotely in a meeting of the Board by means of a videoconference call if the video and audio feed of the Board members' participation is broadcast live at the meeting and complies with the provisions of this section.
- A Board member who participates in a meeting under §551.127 must be counted as present at the meeting for all purposes.
- A Board member who participates in a meeting by videoconference call must be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The Board may continue the meeting only if a quorum of the Board remains present at the host location or, if applicable, a quorum of the Board continues to participate in a meeting conducted under §551.127(c).
 - The Board member presiding over the meeting must be physically present at the host location of the meeting that is open to the public during the open portions of the meeting.

- The meeting notice must specify the location and the intent to have the presiding Board member physically present at the physical location described in the previously listed item.
- Each portion of the meeting held by videoconference call that is required to be open to the public must be visible and audible to the public at the location where the presiding Board member is physically present.
- The Board must make at least an audio recording of the meeting, and the recording must be made available to the public.
- The host location where the presiding Board member is physically present and each remote location from which a Board member participates shall have two-way audio and video communication with each other location during the entire meeting. Each participant's face in the videoconference call, while speaking, must be clearly visible, and each participant's voice must be audible to all other participants and, during the open portion of the meeting, to the members of the public in attendance at the location where the presiding Board member is present, and at any other location of the meeting that is open to the public.
- The audio and video signals perceptible by members of the public at each location of the meeting must meet or exceed minimum standards established by DIR rules. These minimum standards can be found in the Videoconferencing Guidelines section in this document.
- The quality of the audio and video signals perceptible by members of the public at the host location where the presiding Board member is physically present and any remote location must be such that members of the public at each location can observe the demeanor, and hear the voice, of each participant in the open portion of the meeting.

Scenarios

What happens when audio or video communication is disconnected, or another problem occurs that causes the meeting to become inaudible and/or invisible to the public?

In the event a problem occurs that causes a meeting to become invisible and inaudible to the public at the host location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or fewer, the meeting must be adjourned.

If the audio or video communication of a member who is participating at a remote location is lost or disconnected, that member shall be considered absent from the portion of the meeting during which the communication is lost. The meeting can continue if a quorum is present:

- at the host location for those Boards with fewer than three counties; or
- among the Board members participating as permissible for Boards with three or more counties.

Can a nearby Workforce Solutions Office be used for a videoconference?

Yes. However, the Workforce Solutions Office must comply with the DIR guidelines to meet the appropriate bandwidth and audio and visual requirements. The meeting location must also adhere to the requirements defined for a meeting location, meeting notice and open meetings according to Section 551.127 of the Texas Government Code.

Videoconferencing Guidelines

Objective

These guidelines offer technical and operational standards and recommendations to enable entities that are subject to the Texas Open Meetings Act to deploy videoconferencing technology in facilitating open meetings.

Technical and Operational Standards

DIR has established the minimum standards for meetings that are subject to the Open Meetings Act and that are held by videoconference. The minimum standards are as follows:

- 1) Videoconferencing equipment must meet the following International Telecommunications Union (ITU) standards for appropriate transmission medium:
 - a) ITU H.320 or H.324 for videoconferencing over a public switched telephone network (PSTN) or integrated switched digital network (ISDN).
 - b) ITU H.323 or H.323/SIP (Session Initiation Protocol) for videoconferencing over the public internet.
 - c) Use of videoconferencing equipment with proprietary vendor protocols may be used if the vendor certifies that its equipment and proprietary software protocol release version meets or exceeds ITU standards. Prior to use, DIR recommends reviewing technical specifications and contacting the vendor to inquire as to whether the deployed technology meets ITU standards.
- 2) All videoconferencing should employ a minimum 384 KB transmission speed. Note that bandwidth requirements for various resolutions of high-definition video are vendor specific based on the manufacturer's equipment.
- 3) At least one monitor must be available at the primary meeting site for the audience to view remote meeting participants and be a minimum of 27 inches in size (as measured by the industry). When using a computer web conferencing system at the primary site, a large monitor and adequate speakers should be used.
- 4) The audience and members of the Board should have full view of at least one monitor at each meeting location. Additional monitors should be placed, as required, to ensure a clear view by all in attendance. Audio signals from the remote videoconferencing sites should be of similar quality and volume as the local audio at the primary meeting site.
- 5) All videoconference transmissions will be in color and monitors for the viewing public and Board members should present color video.
- 6) An audio and video recording of the meeting should be made at the primary meeting site with efforts made to conduct a recording ensuring sufficient quality, including bandwidth.

DIR Additional Recommendations

DIR recommends the following videoconferencing standards when holding a meeting that is subject to the Open Meetings Act:

- 1) Videoconferences held between sites on different networks, linked through public switched networks, or between sites not under control by a single entity should be tested not more than one hour before the actual conference. The purpose of the test is to determine that the network link and applicable video bridges will perform adequately and meet the standards listed in the above sections. This recommendation does not apply to videoconferences at sites that have previously held open meetings within a one-week period.

- 2) Meetings should be moderated by an agreed-upon assigned individual from the primary meeting site. The moderator should act to facilitate technical and videoconferencing clarity issues during the meeting. The moderator may, or may not, be a participant in the meeting but ensures that the video and audio at the primary site is clear. The moderator also cooperates with remote site participants in resolving technical difficulties.
- 3) Moderators should check camera focus, audio, and camera range before each meeting.
- 4) Moderators should ensure that all speakers are within camera range throughout the meeting.
- 5) Board members at the primary site and remote sites should be introduced at the start of the meeting. The audience or other participants may be introduced in accordance with the entity's usual practices.
- 6) Remote sites should have the mute enabled in multi-point conferences, unless a participant is speaking.
- 7) Material to be presented should be available at all sites.
- 8) If the Board goes into a closed session, the public display of the videoconference is no longer required.

Security

Each Board should review additional requirements from their regulatory entity and [1TAC 202–Information Security Standards](#) for regulations that pertain to the transmission of data through a public or data/IP network.

Resources

Texas Government Code Chapter 551, Subchapter F—[Meetings Using Telephone, Videoconference, or Internet](#)¹
[Open Meetings Handbook 2024](#)²
[Texas-Open-Meetings-Act-Laws-Made-Easy](#)³
[Texas Department of Information Resources Video Conferencing Guidelines](#)⁴

¹ <https://statutes.capitol.texas.gov/Docs/GV/htm/GV.551.htm>

² https://www.texasattorneygeneral.gov/sites/default/files/files/divisions/open-government/openmeetings_hb.pdf

³ <https://www.tml.org/DocumentCenter/View/3979/The-Texas-Open-Meetings-Act-Made-Easy-Updated-October-2023-X?bidId=>

⁴ <https://dir.texas.gov/sites/default/files/Videoconferencing%20Guidelines.pdf>

Appendix A

Table 1. Boards Serving Three or More Counties

Local Workforce Development Board	Number of Counties Served
Alamo	13
Borderplex	6
Brazos Valley	7
Central Texas	7
Coastal Bend	11
Concho Valley	13
Deep East Texas	12
East Texas	14
North Central Texas	14
South Texas	3
Heart of Texas	6
Golden Crescent	7
Gulf Coast	13
Lower Rio Grande Valley	3
Middle Rio Grande	9
North Texas	11
Northeast Texas	9
Panhandle	26
Permian Basin	17
Rural Capital Area	9
South Plains	15
Southeast Texas	3
Texoma	3
West Central Texas	19

Table 2. Boards Serving Fewer Than Three Counties

Local Workforce Development Board	Number of Counties Served
Cameron County	1
Capital Area	1
Greater Dallas	1
Tarrant County	1

Table 3. Boards and Their Counties

Local Workforce Development Board	Counties Served
Alamo	Atascosa, Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, McMullen, Medina, Wilson
Borderplex	Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio
Brazos Valley	Brazos, Burleson, Grimes, Leon, Madison, Robertson, Washington
Cameron	Cameron
Capital Area	Travis
Central Texas	Bell, Coryell, Hamilton, Lampasas, Milam, Mills, San Saba
Coastal Bend	Aransas, Bee, Brooks, Duval, Jim Wells, Kennedy, Kleberg, Live Oak, Nueces, Refugio, San Patricio
Concho Valley	Coke, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Reagan, Schleicher, Sterling, Sutton, Tom Green
Deep East Texas	Angelina, Houston, Jasper, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler
East Texas	Anderson, Camp, Cherokee, Gregg, Harrison, Henderson, Marion, Panola, Rains, Rusk, Smith, Upshur, Van Zandt, Wood
Heart of Texas	Bosque, Falls, Freestone, Hill, Limestone, McLennan
Golden Crescent	Calhoun, DeWitt, Goliad, Gonzales, Jackson, Lavaca, Victoria
Greater Dallas	Dallas
Gulf Coast	Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, Wharton
Lower Rio Grande Valley	Hidalgo, Starr, Willacy
Middle Rio Grande	Dimmit, Edwards, Kinney, LaSalle, Maverick, Real, Uvalde, Val Verde, Zavala
North Central Texas	Collin, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Wise
North Texas	Archer, Baylor, Clay, Cottle, Foard, Hardeman, Jack, Montague, Wichita, Wilbarger, Young
Northeast Texas	Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River, Titus
Panhandle	Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler

Local Workforce Development Board	Counties Served
Permian Basin	Andrews, Borden, Crane, Dawson, Ector, Gaines, Glasscock, Howard, Loving, Martin, Midland, Pecos, Reeves, Terrell, Upton, Ward, Winkler
Rural Capital Area	Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Williamson
South Plains	Bailey, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, King, Lamb, Lubbock, Lynn, Motley, Terry, Yoakum
Southeast Texas	Hardin, Jefferson, Orange
South Texas	Jim Hogg, Webb, Zapata
Tarrant County	Tarrant
Texoma	Cooke, Fannin, Grayson
West Central Texas	Brown, Callahan, Coleman, Comanche, Eastland, Fisher, Haskell, Jones, Kent, Knox, Mitchell, Nolan, Runnels, Scurry, Shackelford, Stephens, Stonewall, Taylor, Throckmorton