



UNIVERSITY OF HOUSTON SYSTEM

Board of Regents

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October 8, 1999

Opinion Committee

The Honorable John Cornyn
Attorney General
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

RQ-0129-JC

Subject: Request for Opinion re Telephonic and Videoconference Meetings of a Board of Regents

Dear General Cornyn:

On behalf of myself and the University of Houston System Board of Regents, I request an opinion from your office relating to the following question:

May the governing board of an institution of higher education hold a regular meeting of the board where a quorum of the board members is in actual attendance at the announced location, and other members attend via a telephone or videoconferencing connection?

Section 551.121 of the Government Code permits the governing board of an institution of higher education to hold open or closed meetings by telephone conference call if the meeting is a special call meeting requiring immediate action and it is difficult or impossible to convene a quorum of the governing board in one location. Section 551.126 authorizes a governmental body to hold any meeting by videoconference call if a quorum of the governmental body is present at one location, the meeting is open to the public at the location of the quorum and at each remote location from which a member participates.

Attorney General Morales in Attorney General Opinion 478 (1998), concluded that a governing body of an institution of higher education may not conduct a regular meeting by telephone conference call and that a meeting by video conference call can be conducted only if the requirements of section 551.126 are met. We request that you reconsider this decision.

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The Board of Regents of the University of Houston System desires to hold regular meetings at which a quorum is present but other members are unable to personally attend the meeting. Nevertheless, they desire and would be able to participate via telephone from a remote location while traveling. We request an opinion from your office regarding whether a governing board may hold a regular meeting with a quorum physically present, and have members participate in the meeting by means of telephonic connections which are audible to the public. Allowing members to do so would not appear to run counter to the public interest in having its board members deliberate and gather in open meetings since a quorum would already be present at the meeting site. All communication with the remote board member(s) would be audible to the audience (with the exception of executive sessions).

In allowing boards of regents to have the flexibility to hold telephonic meetings, the legislature has clearly recognized the importance of facilitating the greatest member participation possible while providing public access to the meetings. The Board of Regents is composed of nine members who reside in the state. Many such board members conduct business on a very frequent schedule. Most boards of regents conduct their business at a local campus site.

Technological advances make it possible for boards of regents to hold videoconference calls using remote sites designated for use on a video network. The University of Houston System has sites across the geographical area of the System where individuals and groups gather on a regular basis to conduct meetings and classes in real-time using compressed video technology. Participants are able to hear all speakers during such meetings, and to view a site where a speaker is speaking. This technology has been used in the past to conduct telephonic meetings by administrative personnel of the System. Because the technology allows for all of the conditions permitted by the Act, such as audience accessibility and recording of soundtracks, we submit that use of such technology by the Board of Regents for its regular meetings would comply with the requirements of the Act.

Your consideration of this request is greatly appreciated.

Sincerely,



Charles E. McMahan
Chair, University of Houston System Board of Regents

cc: Members, Board of Regents
Dr. Arthur K. Smith, Chancellor, UH System/President, University of Houston