

How to Effectively Conduct “Executive Session” Without Breaking the LAW

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PLEASE BE ADVISED THE FOLLOWING INFORMATION DOES NOT CONSTITUTE LEGAL
ADVISE AND IS FOR INFORMATIONAL PURPOSES ONLY. EVERY CITY OFFICIAL SHOULD
CONSULT WITH LOCAL LEGAL COUNSEL TO ENSURE THAT ANY INFORMATION
COMPLIES WITH CURRENT LAW AND THE PARTICULAR FACTS OF EACH SITUATION.

When to go behind closed doors?

- Consultation with Attorney
- Real Property
- Prospective Gift
- Personnel Matters (absent request for open meeting)
- Security devices or security audits

When to go behind closed doors?

- Medical or Psychiatric Records of Individuals
- Investigations
- Certain Providers of Health Care Services
- Economic Development Negotiations
- Test items

What is required to proceed behind closed doors?

- Must have a quorum in open session
- Announce intent to have closed session
- Announce the Section allowing closed session

Who can go behind closed doors?

- Members of the governing body
- City Attorney
- Outside legal counsel
- City Manager
- Anyone authorized by governing body who does not have position contrary

How to conduct the closed doors session?

- Certified Agenda (not verbatim)
 - A statement of the subject matter
 - Record of any action
 - Announcement of time
- Tape Recording (verbatim)
 - Announcement of time

How to conduct the closed doors session?

CERTIFIED AGENDA – EXECUTIVE SESSION

I, _____, Mayor of City/Town, Texas, do hereby certify that on Date, at _____ p.m., the Council convened into Executive Session.

Present were Councilmembers:

Also present were:

The subject matter of each deliberation is as follows:

- 1) Discuss the appointment, employment and duties for the position of patrolman in the Police Department

The Council completed its Executive Session at _____p.m. No action was taken.

CERTIFICATION:

- I hereby certify that this Agenda of the Executive Session of the Town Council of the Town of San Felipe, Texas, is a true and correct record of the proceedings pursuant to Chapter 551, Government Code, Vernon's Texas Codes Annotated.

WITNESS my hand this the Date.

SIGNATURE

Tips to Stay out of Trouble

- Don't stray from the agenda items
- Certified Agenda v. Tape Recording
 - Must be kept for two years at least
 - Can be disclosed during litigation
- Council or Board Members hold the "executive session" privilege
- Class C Misdemeanor - Any member of body that knows agenda/tape is not kept
- Class B Misdemeanor- make agenda/tape public
- All actions must be done in open session