Open Meetings and Videoconferencing Standards

DIR

Transforming How Texas Government Serves Texans

Texas Department of Information Resources

DIR's Role in the Open Meetings Act

- DIR has a limited scope of responsibility within the Open Meetings Act.

> (i) The Department of Information Resources by rule shall specify minimum standards for audio and video signals at a meeting held by videoconference call. The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed those standards.

- Texas Government Code § 551.127(i) grants DIR authority <u>only</u> over the minimum audio and video technical standards for videoconferencing.

Videoconferencing Standards Established by DIR

1 Texas Administrative Code Chapter 209

This rule chapter establishes the minimum videoconferencing technical standards for compressed video for governmental bodies and institutions of higher education.

- Compressed video is "video data that has been digitized and in the process, condensed by the use of one or more of the common video compression processes (lossy, lossless, interframe compression, etc.). A codec produces compressed video and uncompresses the video at the remote end."

- Compressed Video must either:
  - Meet International Telecommunications Union (ITU) standards; <u>or</u>
  - Have proprietary vendor protocols for which the governmental body has received certification from the vendor stating that the equipment and proprietary software protocol meet or exceed the ITU standards.

The rule also references guidelines that DIR may promulgate on its website (largely in response to rapid technological developments)…

Videoconferencing Guidelines Promulgated by DIR

In September 2021, DIR published an updated Videoconferencing Standards document that identified additional audio and visual standards for videoconferencing in open meetings.

- Massive development in computer-based videoconferencing applications over the course of the pandemic.
- The Videoconferencing Standards document addresses these technological advancements by recognizing standards for new categories of videoconferencing:
  - Computer-Based Videoconferencing Applications; and
  - Dedicated Video Room Environment to Dedicated Video Room Environment.

Computer-Based Videoconferencing Applications

- A commercially-available application that is designed to facilitate videoconferencing between Personal Computers or to mobile devices.
  - Applications like Cisco WebEx, Microsoft Teams, Zoom, and Google Duo.
- Standards for computer-based videoconferencing applications
  - <u>Audio volume and clarity and video clarity must be sufficient to hear and view all speaking participants on the call clearly.</u>
  - Ensure that there is one computer running the application at any location(s) specified by the official notice of the open meeting posted by the entity in compliance with Open Meetings Act requirements. That computer hosting the application should be connected to:
    - A separate video monitor of sufficient size for the room; and
    - Speakers of sufficient volume and sound quality so that all attendees may hear the meeting.
  - Comply with any unique minimum stated requirements mandated by the application itself.
  - Video quality at the open meeting location must meet or exceed certain minimum bandwidth requirements (as evaluated by an entity's ITS at least 24 hours prior to the open meeting).
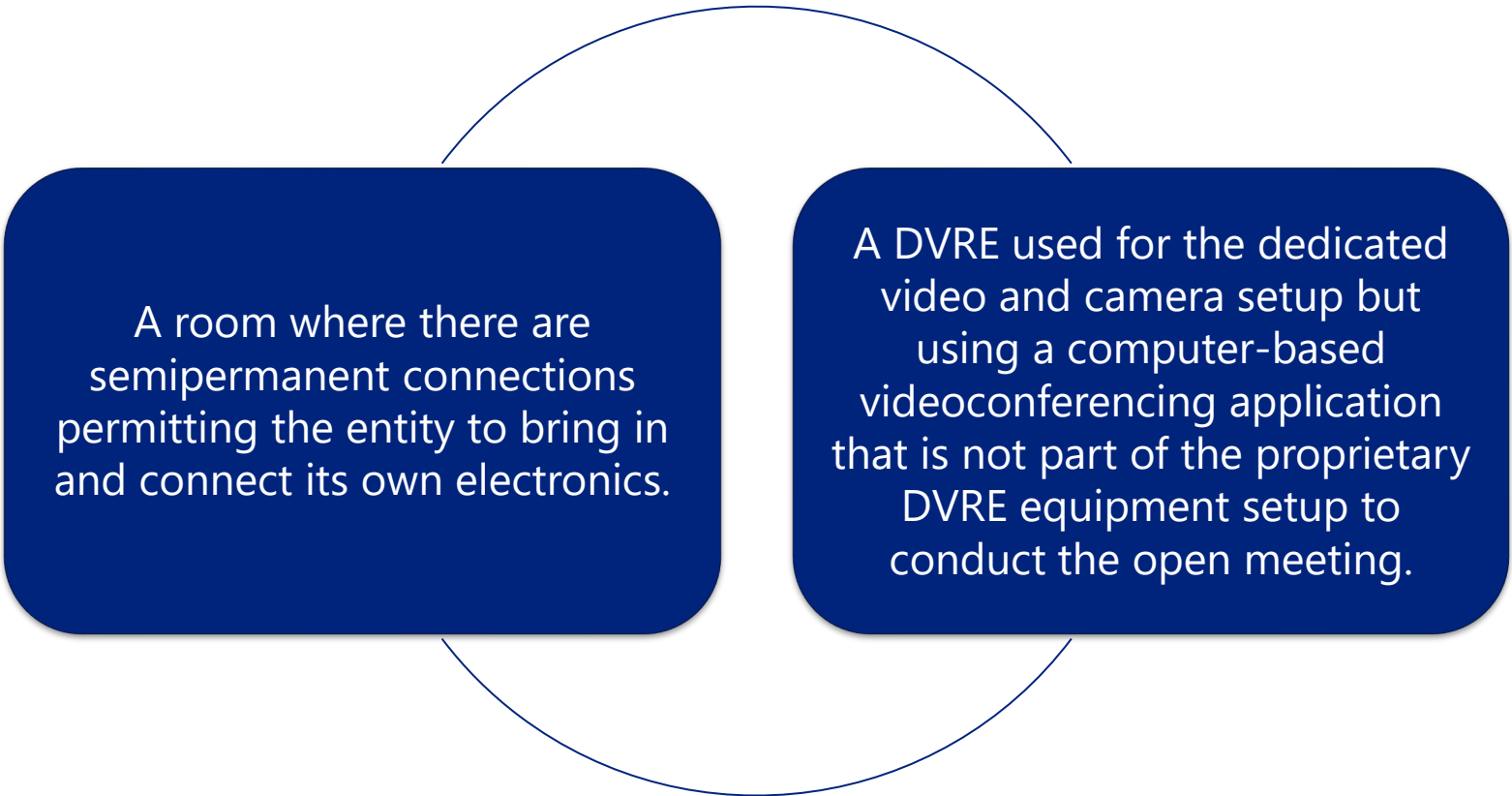
The True Test of Whether a Computer-Based Videoconferencing Application is Compliant with DIR Requirements?

Whether the audio and video is CLEAR enough that people can hear and see participating governing body members!

Dedicated Video Room Environments (DVRE)

- A room that is specifically and exclusively built for the purpose of videoconferencing with specific acoustics, permanent microphone and camera placement, dedicated camera and system equipment, and other equipment that is permanently fixed in the room for videoconferencing.
  - Generally uses specific, proprietary software to connect participants at remote locations through a private data network or through a proprietary software connection with the primary dedicated video room environment.
  - This software is typically only compatible with the video room equipment that is used in the primary dedicated video room environment.
  - Typically used to connect a principle DVRE location to remote DVRE locations.
- Technical Requirements for DVRE
  - Must meet specific ITU standards for the type of videoconference transmission
  - Monitors and speakers of adequate size (given the nature of a DVRE, these will be permanent fixtures).

Is Your Videoconferencing Room ACTUALLY a DVRE? Probably Not.

A room where there are semipermanent connections permitting the entity to bring in and connect its own electronics.

A DVRE used for the dedicated video and camera setup but using a computer-based videoconferencing application that is not part of the proprietary DVRE equipment setup to conduct the open meeting.

1 TAC 209 Rule Review

Hybrid
Open Meetings and
Videoconferencing

Open Meetings During a Pandemic

March 16, 2020:

OOG authorized suspension of certain OMA provisions including provisions requiring in-person meetings

September 01, 2021:

Suspension of OMA provisions lifted. How do we proceed now?

March 19, 2020:

DIR posted guidelines on conducting a fully-virtual meeting...a first for governmental bodies.

- DIR conducted fully-virtual meetings during this time and we took away some amazing lessons learned.
- After the suspension permitting fully virtual meetings was lifted, the Open Meetings Act still permits limited videoconferencing to take place in an open meeting...but the question is how do we execute a hybrid meeting?

How Does One Host a Hybrid Open Meeting Anyways?

We went from largely in-person Board meetings to fully virtual Board meetings to true hybrid meetings in the span of 20 months.

Meetings Before 2020

Many DIR Board members, including DIR Presiding Officer, attended open meetings in person while a select few would videoconference in through Cisco WebEx.

The public could provide comment only in person

Fully Virtual Meetings in 2020 - 2021

All Board members and DIR staff participate virtually through Zoom.

All public comments provided through Zoom
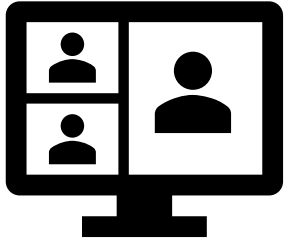
Hybrid Meetings in 2021

Presiding Board Officer attends in person while others videoconference in using Zoom.

The public can provide comment either in person or through Zoom.

DIR and Hybrid Meetings

- DIR Considerations in Hosting a Hybrid Open Meeting
  - Choosing the Location
  - Posting the Agenda
  - Ensuring Board Members are Visible to the Public
  - Displaying Presentation Materials
  - Equipment Setup
  - Notifying our Board Members
  - Testing the System
  - Permitting Public Comments

- Lessons Learned after Our First Fully Hybrid Meeting
  - Board Member Early Connection to the Zoom Call
  - Board Member Backup Electronics
  - Easy Way to Track Public Comments
  - Singular Staff Point of Contact for Board Members
  - Determining Staff Roles for Board Protocol
  - Ensure Board Familiarity with Zoom

Directing Your Questions

GIVE DIR A CALL IF YOU HAVE ANY QUESTIONS ABOUT TECHNICAL SPECIFICATIONS FOR OPEN MEETINGS CONDUCTED BY VIDEOCONFERENCE.
512-475-4552
christi.brisky@dir.texas.gov

QUESTIONS ABOUT ANY OTHER REQUIREMENTS OF THE OPEN MEETINGS ACT SHOULD BE DIRECTED TO THE OFFICE OF THE ATTORNEY GENERAL THROUGH THE OPEN MEETINGS HOTLINE.
877-673-6839

Thank You

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