Today's Agenda

1. **Introductions**

2. Current Laws Affecting Districts in TX

3. New Laws: Americans w/ Disabilities Act for Websites

4. Technology Strategies to Manage Compliance

5. Q&A

Managing Compliance in Texas

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Current Required Content in TX

If you have a website in TX, there are many requirements coming from Government Code § 551.056, TX S.B. 2, TX H.B. 1154, and 49.062(g) Water Code (for utilities)

1. **Agendas and Minutes**
   - Posted 72 hours in advance
   - Board Members
   - Election Information

2. **Financial Reporting**
   - District Information
   - District Key Contacts
   - District Financial and Tax Report
   - Audit
   - Maintenance and Operations breakdowns
   - Tax Rate

3. **ADA Compliance**
   - Website must work for users with disabilities

4. **Utility Information (for MUDs only)**
   - Designation statement
   - Water Quality Reports and Documents

Handy two-page checklist

If you have a website in TX, there are many requirements coming from Government Code § 551.056, SB2, TX H.B. 1154, and 49.062(g) Water Code (for utilities)

tinyurl.com/txlegalchecklist

NSDA NATIONAL SPECIAL DISTRICTS ASSOCIATION | ROACH & ASSOCIATES, PLLC | STREAMLINE

Texas Special District Website Compliance Checklist

Requirement	Checkpoint	Additional Information
Agendas and Minutes		
Meeting Notice / Agenda	☐ Post the notice of any meeting on the website at least 72 hours in advance.	Include schedule and location. Post meeting notices on a publicly accessible Internet website at least 72 hours before the scheduled time of the meeting (Government Code § 551.056, TX S.B. 2, TX H.B. 1154) Include the current year. It is recommended to keep two previous years.
Meeting Minutes	☐ Once approved, post your minutes. Recommended to keep the previous 1-2 years online.	If you post detailed minutes, you can remove the agenda per 1154, but not a good idea. Post the day after the meeting where it was approved, as it is invalid before unless labeled "Draft". You can choose to post an archived copy of the video/audio recording within 7 days, but you are not required to.
Board Members	☐ For each: Name, position, elected or appointed, contact, term start/end	Updated every May/November of the district's election year.
Election Information	☐ Date & Location ☐ Deadline to File for Candidacy ☐ Requirements to File for Candidacy ☐ Notices & Orders ☐ Candidate names(?)	Date and Location must be published 60 days prior to election. Deadline and Requirements for candidacy must be posted 1 year prior to election. Notices & Orders (and certain Bond election documents) must be posted (depending on type of entity/election). May be required (depending on type of entity/election)
For Municipal Utility Districts Only:		
Designation statement	☐ Include this statement on the website:	"Residents of the District have the right to request the designation of a meeting location within the District under Section 49.062(g) Water Code. A description of this process can be found at: https://www.tceq.texas.gov/waterdistricts."
Water Quality Reports and Documents	☐ CCR - Water Quality Report ☐ DCP - Drought Contingency Plan ☐ NTP - Notice to Purchaser ☐ DIF - District Information Form	Note: The NTP and DIF will be combined and must be recorded.
Financial Reporting		
District Information	☐ District's Name ☐ Email ☐ Phone Number ☐ Mailing Address ☐ Business Address, if applicable	
District Key Contacts	☐ Name of General Manager ☐ Name, address, phone for district operator ☐ Name, address, phone for tax assessor-collector	
District Finances	☐ Budgets (last two years, current year) ☐ Change in budget ($ & % from prior	Special purpose districts must annually provide records and other information concerning district finances and tax rates...

TX Special District Transparency Checklist © 2025   getstreamline.com

Blog › [Blog - Digital Accessibility](#)

Four Texas Election Websites Cited with ADA Web Accessibility Violations

Nov 17, 2023

The Department of Justice (DOJ) has announced its findings that four Texas counties violated Title II of the Americans with Disabilities Act (ADA) by allegedly operating election websites that fail to meet the federal government's benchmarks for web accessibility.

On November 6 — one day before Election Day 2023 — the DOJ [issued public letters](#) to the four counties: Colorado County, Runnels County, Smith County, and Upton County.

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Why Accessibility Matters for Special Districts

Providing accessible public documents isn't just a legal requirement (under the Americans with Disabilities Act); it's a **core part of serving your entire community**. Here's how accessible PDFs benefit your special district:

- **Inclusivity:** Ensure everyone, regardless of disability, can access information about district services, meetings, and finances.
- **Transparency:** Build trust with your constituents by making documents easy to read for everyone.
- **Compliance:** Reduce the risk of legal complaints and demonstrate a commitment to equal access.
- **Improved User Experience:** Accessible documents are often easier for *all* users to navigate, not just those with disabilities.
- **Reputation:** Position your special district as a leader in community engagement and inclusivity.

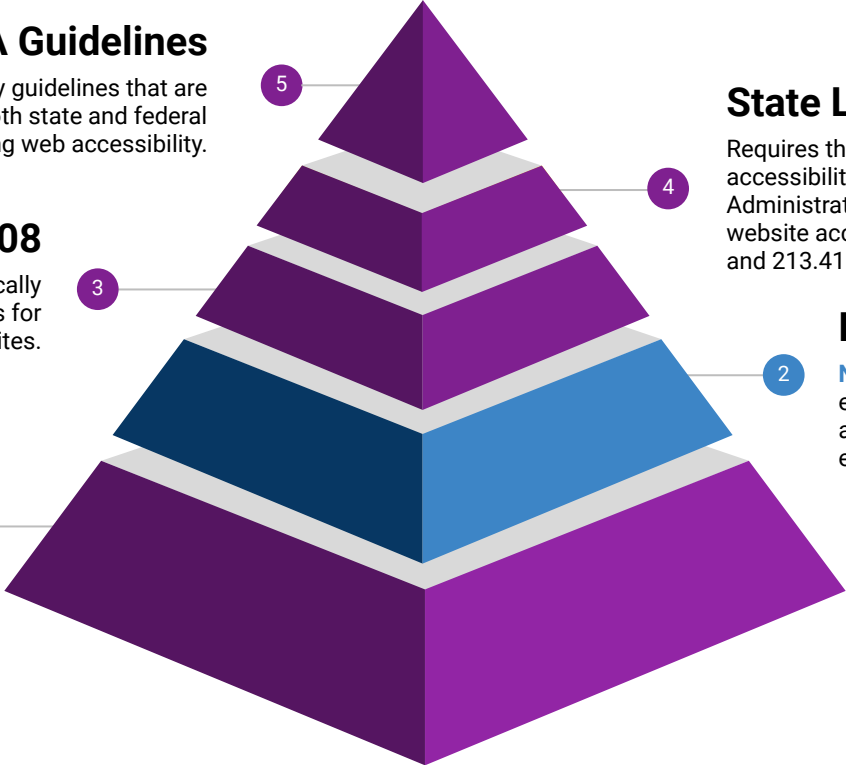# Legal foundations for website accessibility

WCAG 2.1 AA Guidelines

The international web accessibility guidelines that are referenced (directly and indirectly) by both state and federal laws regarding web accessibility.

Section 508

A law referenced by the ADA that more specifically outlines how to meet accessibility standards for electronic content, including websites.

ADA Compliance

The Americans with Disabilities Act protects the rights of people with disabilities. It's broad reach extends to websites, but doesn't reference web accessibility specifically.

State Laws and Rules

Requires that state agencies comply with accessibility guidelines. The Texas Administrative Code has sections related to website accessibility, including 206.70, 213.21, and 213.41. Info

DOJ 28 CFR Part 35

New guidance released June 24, 2024 explaining how special districts must comply and how the Department of Justice will enforce website accessibility. Full rule

5
4
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2
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New trends with ADA actions

3,862 federal filings in 2023

90% of cases were filed by 10 firms

Plaintiff Name	Firm Name	Total Lawsuits	Percentage	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Perla Mageno	Manning Law, APC	172	4.45%	1	0	12	27	22	22	14	20	14	11	20	9
Jose Casillas	Custodio & Dubey LLP	95	2.46%	1	0	0	0	17	0	1	54	21	0	0	1
Alejandro Espinoza	Mendez Law Offices, PLLC	87	2.25%	5	5	13	5	15	7	6	12	3	7	6	3
Jenny Hwang	Mars Khaimov Law, PLLC	83	2.15%	6	5	16	22	11	8	8	7	0	0	0	0
Victor Ariza	Roderick V. Hannah, Esq., P.A.	80	2.07%	3	8	13	7	6	4	4	4	8	5	11	7
Luis Licea	Pacific Trial Attorneys, APC	78	2.02%	2	0	11	6	7	11	9	9	2	4	10	7
Andrew Toro	Mars Khaimov Law, PLLC	75	1.94%	9	18	14	25	6	3	0	0	0	0	0	0
Luis Toro	Mars Khaimov Law, PLLC	70	1.81%	0	0	15	8	17	16	12	2	0	0	0	0
James Watson	J. Courtney Cunningham, PLLC	69	1.69%	7	7	6	14	6	3	4	7	2	5	0	8
Rusty Rendon	Pacific Trial Attorneys, APC	66	1.71%	4	0	5	8	12	10	3	10	4	5	2	3
Nelson Fernandez	Roderick V. Hannah, Esq., P.A.	63	1.63%	1	4	11	6	5	6	6	4	4	7	3	6

77% of cases in 2023 targeted entities with a **revenue under $23 million**

Number	Platform Summary	Total Lawsuits	Percentage
1	Shopify	1378	35.68%
2	WordPress	700	18.13%
3	Salesforce Commerce Cloud	149	3.86%
4	Magento	146	3.78%
5	Squarespace	102	2.64%
6	BigCommerce	100	2.59%
7	Wix	59	1.53%
8	Other Custom Coded Websites	1228	31.38%
Total Lawsuits		**3862**	**100%**

Wordpress, Wix, and custom-coded websites comprised **51%** of actions.

24.5% of Federal ADA actions were filed against websites with **accessibility widgets**

Number	Accessibility Widget	Total Lawsuits	Percentage
1	accessiBe	348	37.46%
2	UserWay	246	26.48%
3	AudioEye	72	7.75%
4	Accessibly	63	6.78%
5	EqualWeb	38	4.09%
6	UsableNet	20	2.15%
7	eSSENTIAL Accessibility	18	1.94%
8	CodeInspire	17	1.83%
9	Accessibility Enabler	15	1.61%
10	Level Access	15	1.61%
Total of top 10 widgets		**852**	**91.71%**
Other widgets		77	8.29%
Total lawsuits against websites with overlay widgets		**929**	**100%**

What about Transparency?

Balancing Transparency and Compliance: Lessons from Colorado Special Districts

By Mac Clemmens, CEO, Streamline

As new accessibility laws come into effect, many government agencies are facing difficult decisions about how to comply while maintaining transparency. A recent article in *Colorado Politics* highlighted a concerning trend: in an effort to avoid penalties of up to $3,500 under HB21-1110, some agencies are opting to remove public records from their websites entirely. This mirrors what happened in California when AB434 passed, leading to agencies, including CalFIRE, removing critical information like fire maps from public access. For transparency advocates, it was the digital equivalent of a book burning.

Accessibility shouldn't come at the cost of transparency

At Streamline, we understand the pressures government agencies face. But there's an important lesson here: accessibility shouldn't come at the cost of transparency. That's why the DOJ's new guidance and the rules from the Office of Information Technology (OIT) include a provision for archived content. This allows agencies to retain access to important records while working towards full compliance. For more information on archived content, you can review the DOJ's definition.

For documents created before the cutoff date, Colorado's HB21-1110 allows you to archive them rather than remove them completely. It's possible to move the content to an archive section, or, like we did, solve this by adding a notification before accessing an inaccessible document — still allowing a user to access the information or request an accessible version. This way, you can continue to provide access to the public, while ensuring that you are meeting the accessibility requirements over time.

Things to watch for in the future

1. **DOJ Enforcement**: How will the incoming administration approach enforcement at a federal level vs. courts?

2. **Technologies**: How will new technologies make remediation and accessibility easier?

3. **Liability**: Who will be responsible for liability—the website vendors or the districts?

4. **Transparency**: Will districts stop communicating online out of fear?

   (answer: No! We must keep telling our story!)

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Americans With Disabilities Act

Companies That Manage Special District Websites May Ultimately Be Liable For ADA Compliance

May 4, 2023 | by **Stuart Tubis**

Special districts are independent, governmental agencies or entities established to deliver specialized services to the community, including health, safety, and well-being.

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Proudly protecting those we serve.

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District Name	Pageviews ⌄	Platform	Accessibility	Compliance	Status
ACME Water & Sanitation District	5,452	Streamline	100	✓ 35/35	Live
Bluebird Business Improvement District	3,358	Streamline	100	✓ 35/35	Live
Carbondale Rural Fire Protection District	2,988	WordPress 6.4	56	❗ 10/35	Live
East of Aspen Metro District	2,411	Streamline	100	✓ 35/35	Live
Holland Hills Metro District	2,302	Streamline	100	⚠ 30/35	Pending

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Contact us
We're here to help!

Jonathan Roach
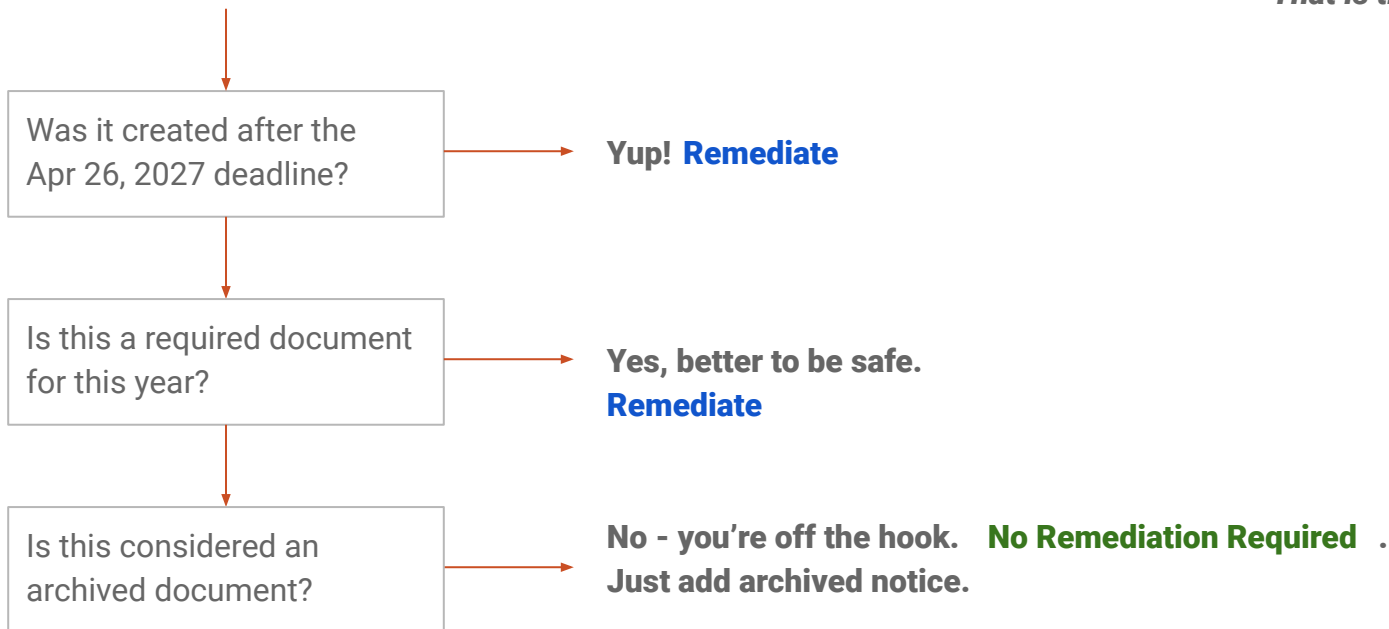jonathan@roachpllc.com

Mac Clemmens
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APPENDIX

To remediate or not to remediate a PDF in TX?

That is the question!

Was it created after the Apr 26, 2027 deadline?	Yup! **Remediate**
Is this a required document for this year?	Yes, better to be safe. **Remediate**
Is this considered an archived document?	No - you're off the hook. **No Remediation Required**. Just add archived notice.

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What is archived content?

1. The content was **created before the date** your government must comply with this rule, or reproduces paper documents or the contents of other physical media (audiotapes, film negatives, and CD-ROMs for example) that were created before your government must comply with this rule, AND

2. The content is **kept only for reference, research, or recordkeeping**, AND

3. The content is **kept in a special area** for archived content, AND

4. The content **has not been changed** since it was archived.

Archived Content as Defined by DOJ

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Prioritizing Document Remediation

Start by making your most important and frequently accessed documents accessible. Here's a suggested order:

1. **Upcoming Meeting Agendas:** Ensure community members can participate fully in district decision-making.
2. **Most Recent Meeting Minutes:** Provide a record of district actions that everyone can understand.
3. **Financial Documents (Budgets, Audits):** Transparency in finances is key to public trust.
4. **Public Notices and Announcements:** Reach the widest possible audience with important information.
5. **Frequently Requested Forms:** Make it easy for everyone to interact with your district.

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Remediation Options

- **Do It Yourself (DIY)**

  Tools like CommonLook PDF or Adobe Acrobat empower you to remediate documents in-house.

- **Automated Remediation**

  Our platform offers a convenient built-in tool to send PDFs for remediation at a flat rate per page.

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DIY: Manually Remediating PDFs

Remediating PDFs: Adobe Acrobat vs. CommonLook PDF

- While Adobe Acrobat has some accessibility features, it does not test your document against the full suit of WCAG requirements.

	CHECKPOINT	Adobe	CommonLook PDF
General	Displays tags and physical representation of PDF	Yes	Yes
	Displays physical view for reference	Yes	Yes
	Split text runs	Yes	Yes
	Physical view and Tags tree display together	Yes	Yes
	Physical view and Tags tree selection synchronized	Use "Show tag from Selection"	Yes
	Display only untagged Elements in a separate view	No	Yes
	Multiple selection modes (Exact, Text Only, Images Only, Tags Only, etc.)	No	Yes
	Selection reordering (Logical/Physical)	No	Yes
	Level up tags	No	Yes
	Level up children of tags	No	Yes
	Change tag order up/down	No	Yes
	Unlimited Undo/Redo for all operations	No	Yes
	Automatically calculate bounding boxes for Figures, Formulas and Tables	No	Yes
	Support for Named Destinations	Yes	Yes

View Full Comparison »

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Common PDF Remediation Tasks

Making PDFs accessible typically involves these key steps:

1. **Tagging**: Adding tags to define the structure of the document (headings, paragraphs, lists, tables) so assistive technology can interpret it.
2. **Reading Order**: Ensuring the content flows in a logical order for screen readers.
3. **Alternative Text for Images**: Providing text descriptions of images so people who cannot see them understand their content.
4. **Hyperlinks**: Making sure links have descriptive text (not just "click here").
5. **Tables**: Adding proper table headers and data structure.
6. **Forms**: Ensuring forms are interactive and usable with assistive technology.
7. **Color Contrast**: Checking that text and background colors have sufficient contrast for people with low vision.

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Other Resources for DIY Remediation

- **The Accessibility Guy**: This is a great YouTube channel with a focus on not only how to remediate your documents, but also create accessible documents going forward. He has two videos going into detail on creating accessible agendas that utilize Streamline to verify!

- **DOJ's Small Entity Implementation Guide**: This gives detailed legal requirements for local governments on how to comply with the ADA online. (Such as the definition of archived content.)

Part 1: Make a simple agenda fully compliant

Part 2: Make a more complex document fully compliant

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