

## Status of Open Meeting During the COVID-19 Emergency in Jurisdictions with RWHAP Part A Programs

Last Updated May 27, 2020

The chart below provides information on the status of open meeting/sunshine laws in the District of Columbia and the 25 states that have at least one Ryan White HIV/AIDS Part A Program.

The chart includes the following information:

1. Whether the jurisdiction suspended some open meeting requirements because of the COVID-19 emergency, or whether no suspension was necessary because open meeting laws already provide for electronic meetings of public bodies like boards and commissions (including RWHAP Part A planning councils/planning bodies) or automatically allow suspension of some open meeting requirements whenever there is an emergency. All states acted or indicated no action was necessary.
2. What action was taken.
3. Where the source information can be found on the internet, with links.
4. What changes were made and what provisions of open meeting laws remain in effect.
5. Whether emergency declarations and limits on gatherings remained in effect as of May 27, 2020, when that information was available.

Some additional information about the chart:

- The chart was prepared based on information available on the internet in late April. A few more Executive Orders or Attorney General Guidance documents were found and added in early May.
- Often the open meeting law suspensions shown here will end when the state's emergency declaration ends. Some have specific end dates, but these dates are typically extended along with the state of emergency.
- Some local jurisdictions have their own open meeting laws. Sometimes, but not always, state Executive Orders specifically supersede local laws, so counties and cities must follow the state's guidance. In some states, reopening is happening sooner in some regions and counties, while large cities like New York and Los Angeles are just beginning to open.
- Some open meeting laws have emergency provisions that allow remote meetings and sometimes other flexibilities whenever a state of emergency has been declared, so special action during the COVID-19 emergency was not required.
- Some state open meeting laws normally permit remote meetings but require that at least one person be present in a physical location to ensure public access to the meeting. Generally this requirement has been waived in the Executive Orders and new legislation, so that no physical location is required. However, states generally have not waived the requirement for ensuring that the public has access to the meetings electronically. Many require two-way communication such as public comment periods or other opportunities for public input.
- Puerto Rico does not appear to have an open meeting law.
- All 50 states and the District of Columbia have had open meeting laws since 1976. One analysis of open meeting laws during the COVID-19 emergency found some action by 49 of the 50 states (all but Alaska) either to suspend or relax some open meeting requirements for public bodies

or to clarify – often through a legal opinion or some other form of guidance from the Attorney General – that remote meetings are permitted during this emergency.

### Open Meeting Laws during the COVID-19 Emergency

Jurisdiction		Partial Suspension during COVID-19 Emergency?		Action	Link	Description/Explanation	Update as of May 27, 2020
		Yes	Unnec				
1	AZ			Informal opinion by the Attorney General, March 13, 2020	Summary and opinion: <a href="https://www.azmirror.com/blog/ag-remote-meetings-due-to-coronavirus-ok-under-open-meeting-law/">https://www.azmirror.com/blog/ag-remote-meetings-due-to-coronavirus-ok-under-open-meeting-law/</a> [opinion embedded in article]	Suspension not necessary. Statement that the state’s open meetings law allows for public bodies to conduct public meetings remotely using technology during the pandemic; indicates importance of “providing as much public notice in advance” and urges providing more than the 24 hours required by state law if possible. The AZ open meetings law allows for remote meetings.	The Governor of Arizona declared a state of emergency on March 11, which has been extended to June 12.
2	CA			Governor’s Executive Order (EO) N-25-20, March 12, 2020, clarifying EO N-29-20, March 17, and EO N-35-20, March 19	EO’s: <a href="https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf">https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf</a> <a href="https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf">https://www.gov.ca.gov/wp-content/uploads/2020/03/3.17.20-N-29-20-EO.pdf</a> Explanation from LawFlash: <a href="https://www.morganlewis.com/pubs/california-public-agency-open-meeting-rules-relaxed-amid-covid-19">https://www.morganlewis.com/pubs/california-public-agency-open-meeting-rules-relaxed-amid-covid-19</a> EO N-35-20: <a href="https://www.gov.ca.gov/wp-content/uploads/2020/03/3.21.20-EO-N-35-20-text.pdf">https://www.gov.ca.gov/wp-content/uploads/2020/03/3.21.20-EO-N-35-20-text.pdf</a>	First clarifying EO states that “Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), ...a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeing to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.” This suspends the requirement for at least one member of the body to be physically present at a specified location. Third EO does not further suspend open meeting requirements or alter anything in the earlier EO, but	EO N-25-20 is in effect “through the duration of the emergency.”  The Governor proclaimed a state of emergency on March 4, and it remains in effect.

						does clarify that members of public bodies may “receive updates (including, but not limited to, simultaneous updates) relevant to the declared emergency...from federal, state, and local officials, and may ask questions of those federal, state, and local officials.” However, “Nothing in this Order permits the members of a local legislative body or state body to take action on, or to discuss amongst themselves, any item of business that is within the subject matter jurisdiction of the legislative body without complying with otherwise applicable requirements of the Brown Act or the Bagley-Keene Act, respectively.”	
3	CO			Frequently Asked Questions from the Attorney General, March, 2020	Frequently Asked Questions on Public Meetings and Public Notice Issues in Light of the COVID-19 Pandemic: <a href="https://coag.gov/app/uploads/2020/03/FAQs-on-Open-Meetings-Law-and-Virtual-meetings-3.27.20.pdf">https://coag.gov/app/uploads/2020/03/FAQs-on-Open-Meetings-Law-and-Virtual-meetings-3.27.20.pdf</a>	Suspension not necessary. CO open meeting law allows for meetings to be conducted electronically, with at least 24 hours’ notice. There is no state requirement for a public comment period or public input; requirement is the ability for the public “to observe, not necessarily to participate.”	On May 8, the Governor extended the emergency declaration for Colorado for an additional 30 days, until June 7.
4	CT			Governor’s Executive Order 7B, March 14, 2020	EO: <a href="https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf">https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf</a>	Suspension of In-Person Open Meeting Requirements. “Sections 1-206, 1-225, and 1- 226 of the Connecticut General Statutes, and any open meeting provision of any municipal charter, ordinance, or regulation that conflicts with this order, are suspended to the extent necessary to permit any public agency to meet and take such actions authorized by the law without permitting or requiring in-person, public access to such meetings, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology,” provided that the public can view or listen to each meeting, meetings are recorded or transcribed with posting within seven days, appropriate prior notice, notice and agenda and how to access the meeting, as	A public health and civil preparedness emergency remains in effect. EO 7B, which suspended the requirement for in-person meetings, indicates that its provisions “Shall remain in effect for the duration of the public health and civil preparedness emergency unless earlier modified or terminated” by the Governor. Under EO No. 7PP, signed May 8, gatherings of more

						well as materials for the meeting, are posted on the agency website, and all speakers state their name and title if applicable.	than 5 people are prohibited until June 20.
5	DC			COVID 19 Response Emergency Amendment Act of 2020, March 12, 2020	COVID 19 Response Emergency Amendment Act: <a href="https://dccouncil.us/covid-19-response-emergency-amendment-act-of-2020/">https://dccouncil.us/covid-19-response-emergency-amendment-act-of-2020/</a> DC Open Government Requirements: <a href="https://mota.dc.gov/page/open-government-requirements">https://mota.dc.gov/page/open-government-requirements</a>	City Council passed legislation that waives the requirement for any board, commission, or other public body to meet periodically. Meetings can occur electronically. The public must receive at least 48 hours' or two business days' notice before the meeting on the public body's website and/or the central meeting calendar, with posting as soon as possible for an emergency meeting. No suspension of open meeting provisions for in-person meetings was required, because DC's Open Meetings Act, which applies to boards and commissions, allows meetings to be held "by video conference, telephone conference, or other electronic means," provided that "(1) reasonable arrangements are made to accommodate the public's right to attend the meeting; (2) the meeting is recorded; and (3) all votes are taken by roll call."	The Mayor announced on May 27 that DC's stay-at-home order is lifted as of Friday, May 29, but the public health emergency remains in effect and gatherings of more than 10 people are still prohibited. The DC COVID-19 Response Emergency Amendment Act waives the requirement for boards and commissions to meet "during a period of time in which the mayor has declared a public health emergency."
6	FL			Governor's Executive Order 20-69, March 20, 2020	EO: <a href="https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-69.pdf">https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-69.pdf</a> Explanation from Lewis Longman Walker: <a href="http://www.llw-law.com/coronavirus-legislation-and-executive-order-20-69/">http://www.llw-law.com/coronavirus-legislation-and-executive-order-20-69/</a>	Suspends "any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place," and allows use of "communications media technology, such as telephone and video conferencing," provided other statutory requirements are met. This includes providing meeting notification "using communications media technology," a "description of the ways in which members of the public may attend the meeting", and "the name of the locations, if any, where media technology facilities will be available to the public." Public access remains a requirement, and public comment should be allowed by electronic means before and during the meeting.	EO 20-112, issued on April 29, began phased reopening and also extended EO 20-69 "for the duration of this order," or until June 28. EO 20-114, issued on May 8, extends the state of emergency originally declared in EO 20-52 for 60 days, until July 7.
7	GA			No action	Open Meetings Act can be downloaded from:	Open Meetings law permits certain meetings by teleconference in emergency situations: "Under	Governor has extended the state of emergency through

					<a href="https://law.georgia.gov/key-issues/open-government/law">https://law.georgia.gov/key-issues/open-government/law</a>	circumstances necessitated by emergency conditions involving public safety or the preservation of property or public services, agencies or committees thereof not otherwise permitted...to conduct meetings by teleconference may meet by means of teleconference so long as the notice required by this chapter is provided and means are afforded for the public to have simultaneous access to the teleconference meeting.” At least 24 hours’ notice is required.	June 12. This means that meetings by teleconference continue to be permitted, so long as other requirements are met.
8	IL			Governor’s COVID-19 Executive Order No. 5, March 16, 2020	EO: <a href="https://files.constantcontact.com/7e26563d00176c6b040-f630-4b55-957e-41f47bd25f02.pdf">https://files.constantcontact.com/7e26563d00176c6b040-f630-4b55-957e-41f47bd25f02.pdf</a>	Suspends the Open Meetings Act requirement in 5ILCS120/7 that “members of a public body must be physically present,” as well as the conditions limiting when remote participation is permitted. “When a meeting is necessary, public bodies are encouraged to provide video, audio, and/or telephonic access to meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds” regarding meeting schedules and format changes.	EO No. 5 suspended certain open meeting requirements “during the duration of the Gubernatorial Disaster Proclamation.” The Governor’s third disaster proclamation, issued on April 30, extends the state of emergency for 30 days, to May 30, 2020.
9	IN			Governor’s Executive Order 20-09, issued March 23, 2020, plus a FAQs document updated the same day	EO: <a href="https://www.in.gov/gov/files/Executive%20Order%2020-09%20(Continuity%20of%20Government%20Operations).pdf">https://www.in.gov/gov/files/Executive%20Order%2020-09%20(Continuity%20of%20Government%20Operations).pdf</a> FAQs document: <a href="https://www.documentcloud.org/documents/6819261-FAQs-for-Open-Door-Law-in-Light-of-Covid-19.html">https://www.documentcloud.org/documents/6819261-FAQs-for-Open-Door-Law-in-Light-of-Covid-19.html</a>	Bodies do not have to have any members physically present for a public meeting during the COVID-19 emergency. They may conduct meetings through videoconference or telephone conference is a quorum of members participate and members of the public and media have real-time access.	EO 20-25, issued May 1 extends the state of emergency by 30 days from the original May 5 end date, to June 4, 2020. The state FAQs document indicates that the EO 20-09 suspension of certain open meeting requirements and the limiting of public meeting to “only essential matter critical to the operation of the government agency or entity” applies “for the duration of the public health emergency.

10	LA			Governor's Proclamation No. 30 JBE 2020 on March 16, 2020; Attorney General's Guidance on Open Meetings in Light of COVID-19, updated March 19	Proclamation: <a href="https://gov.louisiana.gov/assets/ExecutiveOrders/JBE-EO-30.pdf">https://gov.louisiana.gov/assets/ExecutiveOrders/JBE-EO-30.pdf</a> Attorney General's Guidance: <a href="https://www.ag.state.la.us/Article/9743">https://www.ag.state.la.us/Article/9743</a>	All state agencies, boards and commissions, and local political subdivisions "shall provide for attendance at essential governmental meetings via teleconference or video conference," and "All efforts shall be made to provide for observation and input by members of the public." A written certification that the body "would otherwise be unable to operate due to quorum requirements" must be posted along with the agenda for the meeting. All notice requirements remain in effect. The Guidance notes that public comments are still required as are written minutes of the proceedings in the public record.	Proclamation No. 59 JBE 2020, issued on May 14, extends the state of emergency to June 5, 2020, and state that "all state agencies, boards and commissions, and local political subdivisions of the state shall continue to provide for attendance at essential governmental meetings via teleconference or videoconference and such attendance shall be allowed during the pendency of this emergency."
11	MA			Governor's Executive Order signed March 12, 2020	EO: <a href="https://41g41s33vxd2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/OpenMtgLaw_ExecOrder_Mar32020.pdf">https://41g41s33vxd2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/OpenMtgLaw_ExecOrder_Mar32020.pdf</a>	Relieves public bodies from the requirement in the open meeting law that meetings be conducted in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body through adequate, alternative means, which can include telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body in real time. All members may participate remotely; no one need be present at a physical location.	EO suspending certain provisions of the open meeting law states that it "shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first." EO (Mass Register No. 591) declared a state of emergency on March 10. The state of emergency will remain in effect until the Governor gives notice that the state of emergency no longer exists.
12	MD			Open Meeting Act FAQs for Meetings held during the COVID-19 Emergency, prepared by the	Open Meeting Act FAQs: <a href="http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Openmeetings/OMA_FAQ_COVID19.pdf">http://www.marylandattorneygeneral.gov/OpenGov%20Documents/Openmeetings/OMA_FAQ_COVID19.pdf</a>	Under the existing Open Meeting Law, a MD public body may meet by teleconference so long as the public can listen in. Guidance issued in March notes that members "should identify themselves and speak audibly so the meeting is, in fact, 'open' to the public." The Chair may set ground rules for	Maryland has been under a state of emergency since March 5. Remote meetings are permitted regardless of an emergency, so long as the

				Open Meetings Compliance Board and issued through the office of the Attorney General, March 13, 2020		members and the public, and it was suggested that these ground rules be included in the meeting notice.	public has a “meaningful opportunity to observe the conduct of public business.”
13	MI			Governor’s Executive Order 2020-15, March 18, 2020, extended by Executive Order 2020-48, April 15, 2020	EO 2020-15: <a href="https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522173--,00.html">https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522173--,00.html</a> EO 2020-48: <a href="https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-525888--,00.html">https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-525888--,00.html</a>	Executive Order temporarily authorized remote participation in public meetings. It also suspended the Open Meetings Act requirement for one or more members to be physically present in a physical place. Meetings may be held electronically provided both the general public and members of the body can participate and the meeting permits two-way communication between the public and members. Advance notice is required, along with information about how the public may participate and provide remote input or address the meeting. All votes must be by roll call. The agenda and other materials should be posted on the public body’s website if it maintains an official internet presence. The purposes of the Open Meetings Act should still be met as fully as possible. The second EO extended and further clarified requirements.	Under EO 2020-75, public bodies may continue to conduct virtual meetings through June 30, with two-way communication, adequate notice, and other protections for public participation.
14	MN			Governor’s Executive Order 20-20 declaring a state of emergency on March 25, 2020	EO: <a href="https://mn.gov/governor/assets/3a.%20EO%2020-20%20FINAL%20SIGNED%20Filed_tcm1055-425020.pdf">https://mn.gov/governor/assets/3a.%20EO%2020-20%20FINAL%20SIGNED%20Filed_tcm1055-425020.pdf</a> Description of Minnesota Open Meeting Law: <a href="https://www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf">https://www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf</a>	Flexibility happens automatically when there is a declaration of a state of emergency. Minnesota’s open meeting law, which requires government meetings to be open to the public, allows meetings to be held by “telephone or other electronic means” in the event of a “health pandemic or other emergency.” The requirement for someone to be present at the regular meeting location does not apply in an emergency. The meeting still needs to be open and accessible to members and the public, and voting must be done by roll call. Notice must be provided.	On May 13, the Governor extended the state of emergency through June 12. If he extends it again, he is required to call the Legislature back in session to give it the opportunity to cancel the declaration.
15	MO			Sunshine Law Guidance for Public	Attorney General’s Sunshine Law Guidance:	Suspension not required. However, the Attorney General issued guidance on Missouri’s sunshine	On April 24 the Governor extended the state’s

				Governmental Bodies during a Public Health Crisis or State of Emergency issued by the Attorney General on March 19, 2020	<a href="https://ago.mo.gov/docs/default-source/press-releases/2019/sunshine-law-guidance-for-public-governmental-bodies-during-a-public-health-crisis-or-state-of-emergency.pdf?sfvrsn=2d0b85af_2">https://ago.mo.gov/docs/default-source/press-releases/2019/sunshine-law-guidance-for-public-governmental-bodies-during-a-public-health-crisis-or-state-of-emergency.pdf?sfvrsn=2d0b85af_2</a>	law, interpreting the current law to allow audio and video conferencing. His guidance indicated that “The Sunshine Law provides means for public governmental bodies to conduct public meetings in alternative ways, such as via video conference, online meeting, and telephone conference.” Public notice must be provided at least 24 hours in advance, include a tentative meeting agenda, and reference the change from the usual meeting method, and tell the public how to access the meeting, such as a phone number or web address for a video feed. Legislature was planning a fast-track bill before this decision was announced.	emergency declaration until June 15.
16	NC			Advisory Letter from the Attorney General on March 26, 2020	Advisory Letter Regarding the Ability for Local Public Bodies to Conduct Open Meetings Electronically: <a href="https://nmcndn.io/e186d21f8c7946a19faed23c3da2f0da/2198139c60484547ac05dbaa326cedbb/files/Open-Meetings---advisory-letter.pdf">https://nmcndn.io/e186d21f8c7946a19faed23c3da2f0da/2198139c60484547ac05dbaa326cedbb/files/Open-Meetings---advisory-letter.pdf</a>	Attorney General issued an advisory letter stating that “local governments can carry out necessary meetings electronically and remain in compliance with Open Meetings Laws,” since the state’s Open Meetings Laws do not expressly prohibit doing so. The public must be able to listen/participate in the meeting, and usually at least 48 hours’ public notice must be given. Minutes are required but may be in the form of sound or video and sound recordings. The Letter encouraged postponing meetings that “are not necessary for immediate ongoing governance.”	North Carolina has been under a state of emergency since March 10. The Governor initiated Phase 2 of reopening, Safer at Home, on May 22; it will continue at least through June 26.
17	NJ			Legislation passed March 16, 2020; Governor’s Executive Order 107, a stay at home order, signed March 20; further Guidance from the Division of Local Government	PL 2020: <a href="https://www.njleg.state.nj.us/2020/Bills/A4000/3850_11.PDF">https://www.njleg.state.nj.us/2020/Bills/A4000/3850_11.PDF</a> EO 107: <a href="https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf">https://nj.gov/infobank/eo/056murphy/pdf/EO-107.pdf</a> DLGS Guidance: <a href="https://nj.gov/dca/divisions/dlgs/pdf/GovConnectNotice-NewRemotePublicMeetingsGuidance.pdf">https://nj.gov/dca/divisions/dlgs/pdf/GovConnectNotice-NewRemotePublicMeetingsGuidance.pdf</a>	Legislation allows public bodies to conduct meetings and provide notice, make the meeting open to the public, vote, and receive public comment electronically during a state of emergency, without a physical meeting place. DLGS guidance indicates that EO 107 “strongly encouraged’ that all public meetings subject to the Open Meetings Act be conducted “exclusively using communications equipment... without providing a physical meeting space.” At least 48 hours’ notice is still required except for emergency	On May 7, the Governor extended New Jersey’s state of emergency through June 5. The legislation passed in March automatically allows public bodies to meet remotely during a state of emergency.

				Services (DLGS) issued March 23		meetings, including the time, dates, locations (method of access), and agenda to the extent known. The public must have the ability to attend and provide comment at public meetings through whatever electronic means is used. Meetings should be limited “to the extent practicable” to “matters necessary for the continuing operation of government.”	
18	NV			Governor’s Declaration of Emergency Directive 006, March 22, 2020, extended until the end of April	EO: <a href="http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-22_-_COVID-19_Declaration_of_Emergency_Directive_006/">http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-22_-_COVID-19_Declaration_of_Emergency_Directive_006/</a>	The emergency order allows government entities to hold meetings via audio or video conference, so long as they also allow for remote public comment and provide a remote means of participation for individuals entitled or required to appear before the body. The requirement for a physical location is suspended. Public notice is still required, on Nevada’s notice website and the public body’s website, with a copy of the notice sent to anyone who has requested it. The posting must include meeting materials and provide a means for the public to provide public comment as well as the name and contact information for the person designated to receive requests for supporting material.	On April 29, Directive 016 extended Directive 006 to May 15, and stated that the declaration of emergency is to “remain in effect until the Chief Medical Officer notifies the Governor that the health event has been abated and the Governor issues an order terminating the emergency.”
19	NY			Governor’s Executive Order 202.1, issued March 12, 2020	EO 202.1: <a href="https://www.governor.ny.gov/news/no-2021-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency">https://www.governor.ny.gov/news/no-2021-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency</a>	Under EO 202.1, public bodies may meet electronically as long as the public has the ability to view or listen to the meeting and the proceedings are recorded and then transcribed.	On March 7, EO 202 declared a disaster emergency in the State of New York until September 7, 2020. EO 202.28 extended suspension of the in-person meeting requirement of the NY Open Meetings Law until June 6. Under EO 202.33, issued May 22, gatherings are limited to 10 people or fewer, with appropriate

							social distancing protocols, through June 21.
20	OH			<p>Legislation, Substitute House Bill 197, passed March 25, 2020 and signed by Governor March 27; FAQs from the Attorney General provided on April 6</p>	<p>Description of Legislation from Attorney General:  <a href="https://www.ohioattorneygeneral.gov/Media/Newsletters/Open-Book/March-2020/General-Assembly-Passes-Legislation-Modifying-Open">https://www.ohioattorneygeneral.gov/Media/Newsletters/Open-Book/March-2020/General-Assembly-Passes-Legislation-Modifying-Open</a>            FAQs from the Attorney General on Ohio's Open Meetings Act Under the COVID-19 Emergency Declaration:  <a href="https://www.ohioattorneygeneral.gov/Media/Newsletters/Open-Book/April-2020/Ohio%E2%80%99s-Open-Meetings-Act-Under-the-COVID-19-Emerge">https://www.ohioattorneygeneral.gov/Media/Newsletters/Open-Book/April-2020/Ohio%E2%80%99s-Open-Meetings-Act-Under-the-COVID-19-Emerge</a></p>	<p>During the period of emergency, "members of public bodies may hold and attend meetings, and conduct hearings by means of teleconference, video conference, or any other similar electronic technology." Either audio or video conferencing is permitted. At least 24 hours' notice is required except for emergency meetings, and should provide the time, location, and manner of conducting the meeting. Public access to discussions and deliberations should be provided to the same extent as for an in-person meeting, through such means as live-streaming, use of local media, call-in, or other electronic means. Technology used must be widely available to the general public. Other open meeting law provisions remain in effect. Ohio's open meetings requirements are stricter for hearings (defined as designed to yield public input) than for meetings. For virtual public meetings, the public body "need only provide public access to the content of the meeting," while "an interactive function" that allows the public to "provide input, question witnesses, and view evidentiary material" is required for public hearings. Public comment is "commendable" for virtual meetings but is not required.</p>	<p>The legislation allowing for remote meetings of public bodies applies "during the period of the emergency." The Governor declared a state of emergency on March 9 through EO 2020-01D. It will remain in effect until "the emergency no longer exists," as determined jointly by the Director of Health, and Directory of Emergency Management in consultation with the Governor, but no later than December 1, 2020.</p>
21	OR			<p>League of Oregon Cities Legal Guidance for Cities on COVID-19 issued March 13 and updated April 6, 2020</p>	<p>EO 20-16:  <a href="https://www.oregon.gov/gov/Documents/executive_orders/eo_20-16.pdf">https://www.oregon.gov/gov/Documents/executive_orders/eo_20-16.pdf</a>            Provisions of the Oregon Public Meetings Law:  <a href="https://www.oregonlaws.org/ors/192.670">https://www.oregonlaws.org/ors/192.670</a></p>	<p>The Oregon Public Meetings Law allows public bodies to conduct meetings electronically. The public body must "make available at least one place where, or at least one electronic means by which, the public to listen to the communication at the time it occurs." If a physical location is provided, there is no requirement that a member be present at that location.</p>	<p>On May 4, the Governor extended the state of emergency through July 6.</p>

				Governor's EO 20-16, issued April 15, 2020	Legal Guidance for Cities: <a href="https://www.orcities.org/resources/reference/coronavirus-resources/covid-19-guidance-beh">https://www.orcities.org/resources/reference/coronavirus-resources/covid-19-guidance-beh</a>	The League of Oregon Cities Legal Guidance notes that telephone/electronic meetings must be open to the public, so a mechanism must be provided by which the public can “attend” electronically. State Open Meeting Laws do not require a public comment period, though some local governments may. Except for emergency meetings, 24 hours’ notice is required. The Governor’s Executive Order, which was issued after the Legal Guidance was described by the Oregon League of Cities as “clarifying “the state’s interpretation of public meeting law” during the state of emergency. Its purpose is to “ensure safe public meeting and continued operations” during the COVID-19 emergency. It calls for public meetings to be held “by telephone, video, or through other electronic means,” provide “a method by which the public can listen to or virtually attend,” but “the public body does not have to provide a physical space for the public to attend.” If a remote meeting is not possible, those attending “must maintain appropriate social distancing.” The EO remains in effect until terminated by the Governor.	
22	PA			Act 15 of 2020, which went into effect on April 20; Advisory Open Records Office of the Commonwealth of Pennsylvania, as updated April 22	Act 15: <a href="https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2020&amp;sessInd=0&amp;act=15">https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2020&amp;sessInd=0&amp;act=15</a> Open Records Office Advisory describing the Act: <a href="https://openrecordspennsylvania.com/2020/03/11/the-sunshine-act-and-covid-19/">https://openrecordspennsylvania.com/2020/03/11/the-sunshine-act-and-covid-19/</a> Gross McGinley, LLP posting with the article from the Open Records Office: <a href="https://www.grossmcginley.co">https://www.grossmcginley.co</a>	Chapter 5, Subchapter E of Act 15 specifies that during the COVID-19 emergency, local government agencies “may conduct hearings, meetings, proceedings or other business through the use of an authorized telecommunications device.” A quorum must participate remotely, and advance notice including date, time, technology, and how the public can participate must be provided “to the extent practicable.” Public participation should be provided “through an authorized communications device or written comments,” again “to the extent practicable.” The Act	The legislation allowing electronic meetings is in effect” during the emergency. The state remains under a state of disaster emergency declared by the Governor on March.

					<a href="#">m/public-meetings-municipalities-coronavirus/</a>	encourages that meetings be recorded and the record made easily accessible to the public. Prior to passage of Act 15, there was discussion, and the Open Records Office concurred, that because local government agencies (including their boards, commissions, and authorities) are authorized to suspend “bureaucratic ‘red tape’ under emergency circumstances,” remote meetings are permitted during a declared emergency. Public participation should be provided through some form of electronic interaction, which should be advertised in the public notice, and all votes should be recorded and a record (such as an audio recording) kept of the meeting.	
23	TN			Governor’s Executive Order No. 16, issued March 20, 2020	EO: <a href="https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee16.pdf">https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee16.pdf</a>	Executive Order suspended part of the state’s Open Meetings Act to allow public bodies “to meet and conduct essential business by electronic means,” if necessary, through May 18. Such meetings must be made “open and accessible to public attendance by electronic means,” through live access unless that is not possible despite “reasonable efforts.” Quorum, meeting notice, and voting requirements remain unchanged.	Under EO No. 37, issued May 12, the Governor has extended the TN state of emergency until June 30.  Under EO No. 34, issued May 6, he extended electronic meeting provisions until June 30.
24	TX			Governor’s approval of Attorney General’s request for suspension of some Open Meeting Laws provisions, March 16, 2020	Open Meeting Laws Subject to Temporary Suspension: <a href="https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2020/Press/Open%20Meeting%20Laws%20Subject%20to%20Temporary%20Suspension.pdf">https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2020/Press/Open%20Meeting%20Laws%20Subject%20to%20Temporary%20Suspension.pdf</a> Governor’s Office Press Release: <a href="https://www.texasattorneygeneral.gov/news/releases/governors-office-clears-path-">https://www.texasattorneygeneral.gov/news/releases/governors-office-clears-path-</a>	The action by the Governor temporarily allows governmental bodies to conduct meetings by telephone or video conference during the COVID-19 emergency. Meetings must still be conducted “in a transparent and accessible manner,” with online written notice including a toll-free dial-in number or free video conference link and an electronic copy of any agenda packet. The public must have “access and a means to participate...preferably through two-way audio or video connections,” and the public must have access to a recording of the meeting. The requirement for someone to be physically present	The Governor issued a disaster proclamation on March 13 and extended it on May 12. The Texas Commissioner of Public Health declared a “state of public health disaster for the entire State of Texas” on May 15.  The Attorney General’s statement indicates that “these suspensions are in

					<a href="#">governmental-bodies-meet-telephonically-or-videoconference-during</a>	at a specified location is suspended. The suspension remains in effect until terminated by the Office of the Governor or until the disaster declaration is lifted or expires.	effect until terminated by the Office of the Governor or until the March 13, 2020 disaster declaration is lifted or expires.”
25	VA			Official Advisory Opinion from the State Attorney General, March 20, 2020	Attorney General's Opinion: <a href="https://www.oag.state.va.us/files/Opinions/2020/Sullivan-Opinion-Request.pdf">https://www.oag.state.va.us/files/Opinions/2020/Sullivan-Opinion-Request.pdf</a>	The Attorney General’s Advisory Opinion says that a public body is permitted “to meet by electronic communications means” during a declared emergency, when it is “impracticable or unsafe to assemble a quorum in a single location,” but only to “address the emergency.” That is defined to mean that public bodies may “meet electronically to make decisions that must be made immediately and where failure to do so could result in irrevocable public harm.” Public bodies are expected to consult with their legal counsel to determine if their situation meets that requirement. Decisions that can be deferred should wait until public bodies can again meet in person. When a public body is authorized to meet remotely, it must still have a quorum, arrange for public access to the meeting through online means, and provide a meeting notice with date, time, and information required for public access to the electronic meeting. A copy of the proposed agenda and meeting packets must be made available to the public at the same time they are made available to the members of the body, voting must be by roll call and included in the minutes, and the minutes must provide information about the emergency nature of the meeting. Local public bodies must also have a local emergency declaration in order to hold meetings.	The Governor declared a state of emergency on March 12, and it remains in effect.
26	WA			Open Public Meetings Act General Guidance from the Office of	Proclamation 20-28: <a href="http://mrsc.org/getmedia/81ba5cd2-2db9-4f94-bd0b-">http://mrsc.org/getmedia/81ba5cd2-2db9-4f94-bd0b-</a>	Proclamation 20-28 specifies that all agencies subject to the Washington Open Public Meetings Act (OPMA) must meet electronically, the public must have at least telephone access or other	The Governor’s March 24 Proclamation prohibited in-person meetings and specified procedures for

			<p>the Attorney General Regarding the Coronavirus Disease (COVID-19) Event, issued March 6, 2020; Proclamation 20-28 from the Governor, March 24</p>	<p><a href="https://www.mrsc.org/getmedia/4c439dc1-e20c-4098-88b0-b91fd52fe5ad/w3agcoronaopma.pdf.aspx">287fea080f1f/w3p20-28opengov.aspx</a>  General Guidance: <a href="http://mrsc.org/getmedia/4c439dc1-e20c-4098-88b0-b91fd52fe5ad/w3agcoronaopma.pdf.aspx">http://mrsc.org/getmedia/4c439dc1-e20c-4098-88b0-b91fd52fe5ad/w3agcoronaopma.pdf.aspx</a></p>	<p>remote access so all persons attending are able to hear each other at the same time, and action taken must be “necessary and routine matters” or “necessary to respond to the COVID-19 outbreak and the current public health emergency.” No physical location is to be provided; public access must be electronic. Public notice must be posted on agency websites or other communications with the public, except where there is a need for expedited action to meet the emergency. The March 6 General Guidance encouraged distribution of information not requiring formal action. It clarified that the OPMA permits meetings at which all members participate remotely by phone or other electronic means, and members of the public also participate remotely, and encouraged use of video conferencing. It noted that the OPMA does not require public comment. It noted that an agency may reschedule meetings through OPMA’s adjournment provisions, stating the time and “place” (which could be the remote platform), so the rescheduled meeting will qualify as a regular meeting.</p>	<p>electronic meetings. The original proclamation expired on April 23, but was extended through May 4 and then May 31 by Proclamations 20-28.1, 20-28.2, and 20-28.3. The state of emergency, declared by Proclamation 20-05 on February 29, remains in effect; it has no state expiration date. The state has begun reopening, with some counties now in Phase 2 of the Safe Start plan.</p>
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