

COVID-19 PANDEMIC AND PUBLIC MEETINGS FOR CITIES, TOWNS, and COUNTIES

The following are questions and issues governing bodies of cities, towns, and counties can ask itself or will confront regarding conducting public meetings in the face of the COVID-19 Pandemic.

- ❖ A governing body should assess whether it really needs to hold a meeting, whether it be a regular or special meeting.
- ❖ Can the meeting be cancelled, postponed or rescheduled?
- ❖ If the governing body does need to meet:
 - Can action which is presently scheduled to occur be tabled to a later date?
 - Can a public hearing previously scheduled be continued/postponed?
- ❖ If the governing body does feel the need to meet, the items on the agenda items could be reduced by eliminating non-essential items or actions so that the governing body could make decisions on essential, urgent or time sensitive business. This also allows the time for the meetings to be decreased, thereby limiting the time groups of people would be together. Remember, recommendations currently exist suggesting social groups not exceed ten individuals. Although not a social group in this sense and government business is exempt from the State's order, meeting of governing bodies could easily exceed the threshold number, particularly when the staff and public are included in the number attending, so provisions should be made to try and limit the size of the gathering.
- ❖ If the governing body does feel the need to meet for business, it could, as it can always, consider video conferencing, telephone conferencing, social media or other remote participation options for a meeting. However, remember that if such platforms are used, all members of the governing body, staff and the public must be able to hear and participate with all other participants in the meeting at the same time. If meeting materials are made available to the public during a meeting, some provision would have to be made to insure the materials are available to remote participants or could be picked up at locations in the county, city or town.
- ❖ If the governing body does feel the need to meet to decide for business, it is possible that the governing body could set up alternative meeting rooms where the public could attend, listen and participate in a discussion while the governing body, staff or other members of the public are in a separate meeting room or location. All members of the governing body, staff and the public must be able to hear and participate with all other participants meeting in separate rooms or locations at the same time. If meeting materials are made available to the public during a meeting, some provision would have to be made to insure the materials are available to participants in another room or location.

- ❖ It may be advisable to have staff provide as much information as possible in writing to the governing body and make the information available to the public to reduce time spent together in groups.
- ❖ The governing body could also solicit written comments from the public instead of verbal comments during a meeting. However, it is important to stress that this method of soliciting input is not a limitation on comment to be made.
- ❖ It is suggested that the governing body provide as much notice as possible to the public through building postings, the media, and social media, concerning modifications to meeting format or alternative locations where the public can meet and provide comment and observe the action of the governing body.
- ❖ Try to remember the difference between receipt of information and taking action. The body could and probably should be meeting to take action on something that cannot be postponed, canceled or deferred. Ask the question of whether a public meeting is necessary to receive information that does not pertain to this essential action and can be made in writing, or at a rescheduled meeting of the body.

Specific laws to keep in mind 16-4-404:

Meetings that are not in-person: No meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously. Communications outside a meeting, including, but not limited to, sequential communications among members of an agency, shall not be used to circumvent the purpose of this act.

Notice of special meetings: Special meetings may be called by the presiding officer of a governing body by giving verbal, electronic or written notice of the meeting to each member of the governing body and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted and shall be issued at least eight (8) hours prior to the commencement of the meeting. No other business shall be considered at a special meeting. Proof of delivery of verbal notice to the newspaper of general circulation, radio or television station may be made by affidavit of the clerk or other employee or officer of the agency charged or responsible for distribution of the notice of the meeting.

Emergency meetings: The governing body of an agency may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty-eight (48) hours, excluding weekends and holidays, unless the event constituting the emergency continues to exist after forty-eight (48) hours. In such case the governing body may reconsider and act upon the temporary action at the next regularly

scheduled meeting of the agency, but in no event later than thirty (30) days from the date of the emergency action.