

RE: Summary of Attorney General Rules for Open Meetings During a Disaster Emergency**3/30/2020****John Goodyear, Staff Attorney**

The most common questions that have emerged as cities embark into the uncharted waters of governing in the time of a global pandemic is how to continue to meetings. The provisions of the Open Meetings Act have not been suspended and any act taken by the governing body must still be in open session. Now more than ever, members of the public will be looking toward their civic leaders for guidance, so it is paramount that government continues to function and that it does so transparently. In response to the COVID-19 emergency, the Attorney General has issued rules for how public meetings may be held in a way that prioritizes open government and minimizing risks to public health. Below is a summary of K.A.R. 16-20-1.

- The city may use a telephone or any other means of interactive communication to meet so long as the following requirements are met:
 - The medium must, at a minimum, allow members of the public to hear the meeting at no cost. If video is available in the medium that the city chooses, that must also be available.
 - The governing body must comply with all requirements of the Open Meetings Act.
 - If the cities chosen medium allows for it, the city must provide for an alternative means of access to the meeting for members of the public who do not have internet access. In other words, provide a means by which people can hear the meeting if they do not have internet, such as a way to call in using a cellphone or landline.
 - Provide directions to the public guiding them as to how they can access the meeting; Make these directions clear and widely available.
 - Each member of the governing body or staff must state their name and title each time they speak so that the individual can be identified by remote listeners.
 - When the member is not speaking, they must mute their device is to ensure sound quality.
 - The body must describe, at the beginning of the meeting, if public comment will be allowed and method will be used to identify individuals who speak.
 - The body must also describe, at the beginning of the meeting, what process will be used for closed or executive sessions.
 - Before the meeting, the body must continue to provide copies of the agenda to those people that have requested it.

- Each motion must be clearly stated prior to the vote and final results of votes must be announced.
- The body must clearly identify any member of the body or staff that has been delegated the authority to sign any binding document for the city. The League has provided examples of these delegations in our appropriations ordinance and sample declaration of emergency.

Mediums for interactive communication include teleconferencing, videoconferencing, internet conferencing, television broadcast, or any other method that permits the public to listen to the meeting and observe the meeting if video is available. The League has provided links to a handful of mediums for interactive communication on our COVID-19 response page.

In addition to the above rules that have the force of law, the Attorney General also provided a list of best practices to give some guidance to cities as they move forward. These best practices, listed below, are merely recommendations.

- Record the meeting, either audio only or both video and audio, and post the recording to the city website or other internet location (like a Facebook page)
- Post any agendas, packets, presentations, or documents discussed during the meeting to the city website
- Post the minutes of the meeting to the city website
- As early as possible before a meeting, disseminate notice that meetings will not be physically open to the public. Include in the notice:
 - Why the meeting is physically closed to the public
 - A description of how members of the public can receive notice of any and all meetings
 - An explanation of how members can observe and/or participate in the meeting
 - An explanation of how and where members of the public can obtain any documents
- Make sure that notices are broadly disseminated by any means reasonably calculated to get the attention of the general public. (Examples: city website, social media, and news media). Multiple methods of notice should be used whenever available because the goal is get as many people as possible to see it.