



Public body meetings and hearings may be held virtually during the State Emergency

March 25, 2020

On March 25, 2020, the Ohio Senate and House of Representatives approved Am. Sub. H.B. 197. The legislation provides emergency relief related to, among other things, the Open Meetings Act. During the period March 9, 2020, through the duration of the State Emergency, but not longer than December 1, 2020, members of a public body may hold and attend meetings and hearings by teleconference, videoconference or any similar electronic technology means. Any resolution or action taken during such meetings has the same effect as if it were taken during an in-person, regular meeting. Members attending virtual meetings shall be considered present and counted as part of the quorum required to conduct business. In addition, these members shall be permitted to vote.

In order to hold a virtual public meeting or hearing, public bodies have several obligations. First, they must provide notice that their meetings will be held pursuant to these special procedures. The notice must be specifically provided to the media that have requested notification of meetings, and any party required to be notified of a hearing at least 24 hours before the meeting or hearing. In addition, the notice must be provided using reasonable methods, so any person may determine the time, location and manner by which the meeting or hearing will be conducted. If the meeting is convened on an emergency basis, the public body shall immediately notify the media and the parties required to be notified of the meeting or hearing.

A public body holding a virtual public meeting must ensure that the meeting is accessible to the public. Examples that allow accessibility include live-streaming, broadcasting on local radio, television, cable or public access channels, a teleconference or other similar electronic technology. The public body must ensure that the public can observe and hear the discussions of all the members of the public body, whether the member is participating in-person or electronically. When a public body is conducting a hearing, there must be a method, using electronic equipment that is widely available, to converse with witnesses and to receive documentary testimony and physical evidence.

This emergency legislation will enable public bodies to continue their important business during the State Emergency. Careful planning and thought need to be given to other parameters of the Open Meetings Act, including conducting executive session.

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