



COUNTY ADVISORY BULLETIN

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VIRTUAL COMMISSIONER MEETINGS DURING COVID-19 EMERGENCY

INTRODUCTION

House Bill 197 of the 133rd General Assembly was a broad-reaching piece of legislation enacted in response to the COVID-19 pandemic in spring 2020. The legislation makes numerous changes to state and local government operations in response to the outbreak. One of the changes included in the act was a provision which would authorize members of public bodies to attend meetings or hearings by means of teleconference, video conference or any other similar electronic technology. This temporary law change was sought by CCAO and other local government organizations to reduce in-person meeting attendance, thereby lessening community transmission of the COVID-19 virus.

EFFECTIVE DATE

March 27, 2020

DURATION

The provision will be in effect for the length of the emergency declared by Gov. DeWine's Executive Order 2020-01D (declared March 9, 2020), or until December 1, 2020, if the period of the emergency continues beyond that date.

MEETING METHODS

Accepted meeting forms include teleconference, video conference, or any other similar electronic technology.

AUTHORIZED ACTIONS

The provision authorizes members of public bodies to attend meetings or hearings, vote, and be counted for quorum purposes for meeting or hearings when attending via

teleconference, video conference or similar electronic technology. Any actions taken by a public body conducting a meeting or hearing via digital technology have the same effect as those taken during in-person meetings.

NOTICE REQUIREMENTS

Like regular meetings, 24-hour notice is required in advance of the virtual meeting or hearing. The notice shall include the time, location and manner the meeting or hearing will be conducted. An exception to these requirements is allowed for emergency purposes, in which case, the public body shall immediately notify the news media of the time, place, and purpose of the meeting or hearing.

PUBLIC ACCESS

The public shall be provided access to virtual meetings and hearings commensurate with the method in which the meeting or hearing is being conducted, such as by live-streaming via the internet, local radio, television, cable or public access channels, call-in information for a teleconference, or by means of any other similar electronic technology. The public body shall ensure that the public can observe and hear the discussions and deliberations of all members of the body, whether participating in person or electronically. The right to attend a meeting by the public does not include a right to participate or comment, although public bodies may voluntarily provide time for public comment.

When conducting a hearing via a teleconference, video conference or other similar technology, the public body must establish a means, through widely-available digital equipment, to converse with witnesses and to receive testimony and physical evidence.

MEETING PLATFORMS

There are many platforms available to conduct public meetings via teleconference, video conference, or other online platforms. Popular teleconference platforms include [GoToMeeting](#), [RingCentral](#), [UberConference](#), and [FreeConferenceCall.com](#). Video conference platforms include [GoToMeeting](#) and [Zoom](#). Several counties have experimented with streaming platforms such as [YouTube](#) and [Boxcast](#).

VIRTUAL MEETINGS TIPS

Consider the following tips when implementing digital meetings:

- If teleconferencing, ensure your platform can handle enough callers to ensure that no one is blocked out of the call.
- If videoconferencing, ensure that there is a stable, fast internet connection.
- Distribute an agenda that is as descriptive as possible. This allows for better preparation.

- Share links and documents in advance as much as possible. Sharing information on a website, for example, allows questions to come in ahead of the meeting.
- Test log-in information and technology ahead of the meeting time. Test the picture, sound, and access.
- Arrive 20 minutes ahead of the meeting to troubleshoot if you are leading the meeting.
- Try to keep noise to a minimum. Background noise is easily picked up and can be distracting to those listening on the phone and online.
- Mute yourself when not talking if automatic muting is not in place. Ask the audience to mute themselves until appropriate times for questions.
- Speak clearly and perhaps a little more slowly or loudly than you might normally speak.
- Introduce yourself before speaking. This is helpful to other participants who may not recognize your voice over a conference line.
- The Board President or meeting leader can ask for people to comment by calling on them by name. This helps listeners or observers understand the conduct of the meeting and follow deliberation. Try to use your full names and titles.
- Stick to the agenda as much as possible.
- Consider creating a slide show for streaming, as it could be awkward to pan throughout an empty meeting space or a meeting space with participants 6 feet apart.
- If you are using microphones, make sure there are enough for people who are six feet apart. Sharing a microphone will be difficult while maintaining physical distances.
- Consider offering a way the public can ask a question ahead of time, during the meeting, and after the meeting. One example would be emailing a question or using a standard “ask a question” feature on your website. Calling in might also be an option.
- Highly controversial topics are not ideal for virtual meetings. If they can be delayed until an in-person meeting, consider doing so.
- During the meeting, ask the media if there are questions. Do this multiple times throughout the meeting.
- Post minutes and agendas on your website as efficiently as possible.

ACKNOWLEDGEMENTS

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SECTION 12. (A) As used in this section:

"Hearing" means an administrative hearing, hearing as defined in section 119.01 of the Revised Code, or other hearing at which a person may present written or oral testimony on a matter before the public body.

"Public body" and "meeting" have the meanings defined in section 121.22 of the Revised Code.

(B) During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date, members of a public body may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology and all of the following apply:

(1) Any resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open meeting or hearing of the public body.

(2) Notwithstanding division (C) of section 121.22 of the Revised Code, members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology, shall be considered present as if in person at the meeting or hearing, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the meeting or hearing.

(3) Public bodies shall provide notification of meetings and hearings held under this section to the public, to the media that have requested notification of a meeting, and to the parties required to be notified of a hearing, at least twenty-four hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the public body shall immediately notify the news media that have requested notification or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing.

(4) The public body shall provide the public access to a meeting held under this section, and to any hearing held under this section that the public would otherwise be entitled to attend, commensurate with the method in which the meeting or hearing is being conducted, including, but not limited to, examples such as live-streaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. The public body shall ensure that the public can observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically.

(C) When members of a public body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the public body must establish a means, through the use of electronic equipment that is widely

available to the general public, to converse with witnesses, and to receive documentary testimony and physical evidence.

(D) The authority granted in this section applies notwithstanding any conflicting provision of the Revised Code. Nothing in this section shall be construed to negate any provision of section 121.22 of the Revised Code, Chapter 119. of the Revised Code, or other section of the Revised Code that is not in conflict with this section.

(E) This section is effective during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, or until December 1, 2020, if the period of the emergency continues beyond that date.