

Legislature Approves Measure Allowing Tele-Meetings Here's What you Need to Know

The Legislature went to great lengths to pass legislation to accommodate public bodies in this time of crisis. The bill was sent through the legislative process utilizing emergency procedures to ensure it was enacted quickly and available for immediate use. Under these circumstances not every issue was addressed or vetted as it would during a normal legislative session. **The Legislative Intent was very clear and left little ambiguity as to their desire.** Municipalities utilizing this tool must trust in their intent and use this “temporary measure” in the spirit of how it was enacted into law. It is good practice to use this tool to conduct the business of your municipality and keep your government operating. OML had direct conversations with Legislative Leadership and it was confirmed that their sole desire was to give public bodies the ability to meet and conduct business without putting officials in jeopardy of contracting or continuing the spread of the COVID-19 virus. Below is a summary of the measure to help you implement in your municipality.

New Temporary Option for Open Meeting Act

In response to the COVID-19 pandemic, **SB 661** by Sen. Howard and Speaker McCall temporarily amends the Open Meeting Act to authorize flexibility for public bodies to conduct meetings remotely via “teleconference” and expands the use of videoconferences. The new teleconference option allows a conference among members of public bodies remote from one another who are linked by telecommunication devices and/or technology permitting auditory communication. The definition of “videoconference” is also altered.

A public body may hold meetings by teleconference or videoconference if each member of the public body is audible or visible to each other and the public. If the audio connection is disconnected, the meeting shall be stopped and reconvened once it is restored. This bill's provisions providing greater use of remote meetings are in effect immediately. The bill will terminate on November 15, 2020, or the Governor declaring the state of emergency to be ended, whichever date first occurs.

Specific Issues on Temporary Use of Teleconference and Videoconference

Notice and Agenda. The meeting notice and agenda shall indicate if the meeting will include teleconferencing or videoconferencing and also state 1). Each public body member appearing remotely and the method of their appearance, and 2) the identity of members who will be physically present at the meeting site. After the meeting notice and agenda are prepared and posted, those appearing at the meeting location cannot

change to appear remotely. However, those stated to appear remotely may change to appear at the meeting site.

Recording Required. Each public meeting held by videoconference or teleconference shall be recorded either by written, electronic or other means.

Public Participation. The public shall participate and speak as allowed by the public body's rules or policy, in the same manner and to the same extent as the public is allowed to participate or speak during a public meeting when the members are physically present together at the meeting site. Any materials shared electronically between members of the public body during a meeting using teleconference or videoconference shall also be immediately available to the public in the same form.

Voting. All votes shall occur and be recorded by roll call votes.

Executive Session. Executive sessions are permitted via teleconference or videoconference with no public body member required to be physically present so long as each member is audible or visible to each other. The notice and agenda, as required by law, shall indicate if the executive session will include teleconferencing and/or videoconferencing and shall also state the identity of each member appearing remotely, and whether any member will be physically present at the meeting site.

Notice of Public Meeting. While SB 661 is in effect, the public body shall not be required to make the notice of a public meeting available to the public in the principal office of the public body or at the location of the meeting during normal business hours at least 24 hours prior to the meeting. See 25 O.S. Section 311 (C).