



Guidance for Conducting Electronic Meetings After the COVID-19 Public Health Emergency¹

This document provides guidance regarding best practices for conducting electronic meetings after expiration of the public health emergency (“PHE”) for coronavirus (COVID-19). Administrative Points of Contact for public bodies (“APC”) should use this document to advise members of public bodies regarding electronic meetings.

During the PHE, the District of Columbia government (the “District”) required all public bodies to conduct their meetings electronically. On July 25, 2021, the PHE ended for the District and many public bodies have asked the Office of Open Government (the “OOG”) whether they may continue to conduct electronic meetings after the PHE. Generally, the answer is yes. Public bodies may continue to conduct electronic meetings unless otherwise directed by Mayor’s Order, statute, or its by-laws to meet in person.

The Open Meetings Act’s (“OMA”) policy provides that “all persons are entitled to full and complete information regarding the affairs of government and the actions of those that represent them.” D.C. Official Code § 2-572. As such, public bodies must follow the requirements below to comply with this policy by ensuring that members of the public have access and the ability to attend public bodies’ electronic meetings.

The order of presentation of the OOG’s advice is as follows. First, the OMA’s “Notice of meeting,” “Meeting procedures” and “Record of meeting” requirements to follow when conducting electronic meetings are presented. Second, guidance is given regarding amending by-laws. A public body’s by-laws may require in-person meetings. If this is the case, the public body may need to amend its by-laws to be able to conduct electronic meetings after the PHE. Last, the Guidance concludes with Best Practice recommendations for conducting electronic meetings.

¹ Revised in accord with D.C. Law 24-226. Post-Public Health Emergency Protections Extension Temporary Amendment Act of 2022. Effective December 21, 2022.

ELECTRONIC MEETING REQUIREMENTS

Notice Posting and Publication Requirements (D.C. Official Code § 2-576)

- Provide notice of its meetings as early as possible, but no less than 48 hours or 2 business days, whichever is greater, before the electronic meeting.
- ***PLEASE NOTE: The public posting requirements of D.C. Official Code §2-576(2)(A) shall not apply during the period from March 11, 2020, through December 31, 2023.***
- Publish upcoming meeting notices in the D.C. Register. This requirement does not apply to Local School Advisory Teams (“LSATs”) and D.C. Public Charter School Board of Trustees (“DCPCSB of Trustees”).
- Post meeting notices ~~also~~ on the public body’s website or the OOG’s Central Meeting Calendar.
- Notify the public of emergency meetings at the same time members of the public body receive notification.

Notice Content Requirements (D.C. Official Code §§ 2-575(b), 2-576(5))

- Include in the notice the date, time, location, and planned agenda to be covered at the meeting.
- Include in the body of all draft and final meeting agendas the statement: “This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.”²
- Include in the notice a statement of intent if any portion of the meeting will be closed, the reason for closure under D.C. Official Code § 2-575(b), and a description of the matters to be discussed.
- Include .in the meeting notice, a dial-in number and access code for the public to participate in the meeting if the meeting is held by teleconference.
- Include in the meeting notice the login information and the website link if the meeting is held by web-conference.

Meeting Requirements (D.C. Official Code §§ 2-575, 2-577)

- Make reasonable arrangements to accommodate the public’s right to attend the meeting, or in the case of a meeting held during the period from March 11, 2020, until December 31, 2023, take steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.
- Record the meeting.
- Take all votes by roll call.
- Open an emergency electronic meeting with the presiding officer explaining the subject of the meeting, the nature of the emergency, and how public notice was provided.
- Follow all other OMA provisions not already mentioned.

² 3 DCMR § 10409.2.

Recording Requirements (D.C. Official Code § 2-578)

- Record all meeting sessions, whether open or closed, by electronic means. Make electronic recordings available within 7 days of the meeting.
- If it is not feasible to electronically record a meeting, take detailed meeting minutes and post a copy of these meeting minutes within 3 business days of a meeting.
- If you are a DCPCSB of Trustees, and it is not feasible to electronically record a meeting, post detailed meeting minutes no later than 30 business days after the meeting.
- Post the fully approved meeting minutes after the next regular public body meeting.
- Post a transcript in lieu of detailed meeting minutes.
- Post any transcript no later than 7 business days after the meeting.

Amending Bylaws

Public bodies may amend their governing bylaws to incorporate electronic meetings. However, bylaws must be consistent with the OMA. Public bodies should refer to their enabling legislation and bylaws and consult with legal counsel for guidance on drafting or amending bylaws. Public bodies may also elect to follow rules of parliamentary procedure (e.g., Robert's Rules of Order) to amend their bylaws.

BEST PRACTICES FOR ELECTRONIC MEETINGS

- Use a publicly accessible platform when conducting their remote meetings. Please contact the Office of the Chief Technology Officer (OCTO) for assistance.
- When conducting electronic meetings, the Chairperson must state the date and time in the call to order and state that it is an electronic meeting. Members should announce their presence on the call by stating their name. The Chairperson should state whether there is a quorum based on the member's announcements of their presence at the electronic meeting. All votes must be by roll call.
- The meeting must begin timely to fulfill the public's expectation of the order of business. If there is an unreasonable delay due to a shortage of a quorum, the public body may adjourn. If it adjourns the meeting, the public body must note on its website and/or the Central Meeting Calendar that the meeting did not occur for lack of quorum.
- If an executive or closed session is needed, the meeting agenda must include a "statement of intent to close," with citation to the reason for closure under D.C. Official Code § 2-575(b), and a description of the matters to be discussed. The motion to enter closed session must be approved by a majority of members present.
- For executive or closed sessions, the OOG recommends that the public body have two separate online meetings links. Remember that a roll call vote for an executive or closed session approved by a majority of voting members is required in a public meeting before closing the meeting to members only. The public meeting must continue for the duration of the executive or closed session. Once the executive or closed session has ended, the public body must reenter the public meeting and report, when appropriate, items such as quasi-judicial decisions or announcements of appointments of high-ranking employees, and then adjourn the public meeting.
- Test the meeting platform near the meeting time to ensure it is accessible to public body members and the public.
- Unmute all the participants when the Chairperson directs, if allowing public comment. If no one is commenting, they can re-mute themselves.

If you have questions or require assistance with electronic meeting, please contact the OOG at 202-481-3411 or opengovoffice@dc.gov and a member of OOG's staff will assist you.