

A RESOLUTION

25-183

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 20, 2023

To declare the existence of an emergency with respect to the need to amend the Open Meetings Act of 2010 to provide that a meeting shall be deemed open to the public if the public body takes 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Virtual Open Meetings Authority Extension Emergency Declaration Resolution of 2023”.

Sec. 2. (a) In March 2020, in response to the COVID-19 pandemic, the Council adopted emergency legislation to ensure continuity of government operations during the ongoing public health emergency. That emergency legislation included among other provisions legislative language clarifying that a meeting shall be deemed open to the public, and therefore satisfy requirements of the District Open Meetings Act, where the public body holding the meeting takes 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. By authorizing public meetings to be held virtually, that legislation facilitated access to these meetings both for members of the public and the public body while residents were advised to minimize travel outside the home to reduce the risk of transmitting the COVID-19 virus.

(b) Since 2020, the Council has extended authorization for public bodies to hold meetings in a virtual or remote format on several occasions. Although the public health emergency has concluded, this authorization has provided public bodies with the flexibility to determine the most efficient format for their meetings without reducing access for residents. In fact, largely, providing a virtual option to attend meetings has increased access for many residents, including seniors, individuals with mobility issues, care-givers, individuals who are immunocompromised, and those who are ill. Although many public bodies have resumed in-person meetings, most

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continue to stream their meetings online or otherwise make the meeting available in a virtual format to allow residents to participate remotely.

(c) On September 20, 2022, the Council passed the latest emergency legislation to include authorization for public bodies to hold virtual meetings. That legislation, the Post-Public Health Emergency Protections Extension Emergency Amendment Act of 2022, effective October 17, 2022 (D.C. Act 24-564; 69 DCR 12656) (“emergency act”), expired on January 15, 2023.

(d) On October 4, 2022, the Council passed the Post-Public Health Emergency Protections Extension Temporary Amendment Act of 2022, effective December 21, 2022 (D.C. Law 24-226; 69 DCR 13983) (“temporary act”), which will expire on August 3, 2023.

(e) This emergency legislation is necessary to prevent a gap in the law following the expiration of the temporary act. To note, other provisions within the Post-Public Health Emergency Protections Extension Temporary Amendment Act are not included in these emergency measures as those provisions have been adopted via permanent legislation, are being moved on emergency by another Councilmember, or are no longer necessary.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Virtual Open Meetings Authority Extension Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.