

ULCT Guidance on Open Meetings and COVID-19

Today Governor Gary Herbert issued an [executive order](#) relaxing some of the requirements of [Title 52, Chapter 4, Open and Public Meetings Act](#) (OPMA) to allow for more electronic public meetings. The order came after the League Board of Directors requested and received a commitment yesterday from Lt. Governor Spencer Cox to reexamine state law requiring physical attendance at public meetings contrary to state and federal social distancing guidelines and other COVID-19 virus precautions. Before issuing the executive order, the governor's office consulted a group of League municipal attorneys and clerks led by Victoria Ashby who reviewed the Order and provided additional input. The League appreciates Governor Herbert's work with the League and efforts to help municipalities and local governments continue to conduct business while protecting the public.

Order summary

The OPMA currently allows public bodies to hold electronic meeting but requires that the public body still have an "anchor location" where the public may physically attend. Under the executive order, a public body may hold an [electronic meeting](#) in accordance with the OPMA but the order *waives* the following statutory requirements:

- Posting written notice at the building where the meeting is to be held;
- Posting notice at an anchor location;
- Establishing one or more anchor locations for an electronic meeting; and
- Providing space and facilities for the public at an anchor location.

Under the executive order, a public body holding an electronic meeting *shall comply* with the following:

- Permit members of the public to monitor (as defined in [UCA § 52-4-103\(7\)](#)) open portions of the meeting.
- If public comment is accepted during the electronic meeting, ensure that the public may participate by electronic means.
- If a public body has not already adopted a resolution, rule, or ordinance governing an electronic meetings, as required by [UCA § 52-4-207](#), that the public body adopt that resolution, rule, or ordinance as soon as possible **and may do so at an electronic meeting.**

For the duration of the Executive Order, the municipality should treat the Order as superseding law for those statutory provisions identified in the Order. The Order also applies to public hearings governed by the OPMA. Municipalities should use the flexibility given by the governor and within their own municipal powers to find alternative electronic solutions for their public meetings and write their resolutions, rules, or ordinances for those meetings to accommodate their unique circumstances and the interests of their constituents.

We have received recommendations from several municipal clerks that there are a few options as you look to service providers for your electronic meetings. While many cities utilize Facebook Live or YouTube, many are going with Zoom or Lifesize. Other service options include Adobe Connect, GoToMeeting, Google, and local university options if they are presently available. It is important to keep in mind, as the League discussed with members of UCMA earlier today, while cities need to let people participate electronically, it's important to maintain order and assure the meeting is not disrupted by random comments at any time. It may be advisable to disallow verbal comments by muting most who attend the meeting, but allowing them to comment through the comment

section. We recommend checking with your legal counsel on the best option for your city or town. If you have questions about OPMA or about anything related to the local government response to COVID-19, we invite you to [click here](#) for our ULCT resource list and Q&A tab. You can also contact ULCT staff at anytime for additional information.