

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

35 residents were advised to minimize travel outside the home to reduce the risk of transmitting the
36 COVID-19 virus.

37 (b) Since 2020, the Council has extended authorization for public bodies to hold meetings
38 in a virtual or remote format on several occasions. Although the public health emergency has
39 concluded, this authorization has provided public bodies with the flexibility to determine the
40 most efficient format for their meetings without reducing access for residents. In fact, largely,
41 providing a virtual option to attend meetings has increased access for many residents, including
42 seniors, individuals with mobility issues, caregivers, individuals who are immunocompromised,
43 and those who are ill. Although many public bodies have resumed in-person meetings, most
44 continue to stream their meetings online or otherwise make the meeting available in a virtual
45 format to allow residents to participate remotely.

46 (c) On September 20, 2022, the Council passed the latest emergency legislation to
47 include authorization for public bodies to hold virtual meetings. That legislation, the Post-Public
48 Health Emergency Protections Extension Emergency Amendment Act of 2022, effective October
49 17, 2022 (D.C. Act 24-564; 69 DCR 12656) (“emergency act”), expired on October 17, 2022.

50 (d) On October 4, 2022, the Council passed the Post-Public Health Emergency
51 Protections Extension Temporary Amendment Act of 2022, effective October 31, 2022 (D.C.
52 Law 24-2226; 69 DCR 13983) (“temporary act”), which will expire on August 3, 2023.

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

58 Sec. 3. The Council of the District of Columbia determines that the circumstances
59 enumerated in section 2 constitute emergency circumstances making it necessary that the Post-
60 Public Health Emergency Protections Extension Emergency Amendment Act of 2022 be adopted
61 after a single reading.

62 Sec. 4. This resolution shall take effect immediately.