

# Public Meetings Checklist for COVID-19 Emergency Period

By Souvanny Miller

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Pursuant to Governor Brown's [Executive Order No. 20-16](#), most public meetings must be held virtually, via telephone or by other electronic means, whenever possible during the COVID-19 emergency period.

## ALL PUBLIC MEETINGS

- Give appropriate notice by all usual means and to all persons who are entitled to notice.
- Hold all public meetings virtually, via telephone, or via other electronic means whenever possible.
- Make a method available for the public to listen or participate virtually.
  - » Virtual public participation does not apply to executive sessions. You may take steps to ensure that such meetings are restricted only to authorized participants.
- Establish quorum.
  - » Pursuant to Executive Order 20-16, the number necessary for quorum is decreased if any member of the body is unable to attend "because of illness due to COVID-19."
  - » Each member should announce themselves for those listening in.
- For meetings at which in-person testimony is generally required by law, provide a method for persons to submit testimony via phone or video, or in writing, such as by email, so long as the written comments may be viewed in a timely manner.
  - » Caveat: Contested case hearings pursuant to ORS Ch. 183 must still be held in person.
- If meetings cannot be held virtually, ensure that all persons attending public meetings maintain appropriate social distancing of six feet or more between individuals to the maximum extent possible.
  - » If the governing body must meet in person, the public should still participate via phone or virtually and not in person unless the meeting is a contested case hearing pursuant to ORS Ch. 183, for which in-person testimony is required.

## LOCAL BUDGET HEARINGS

- Give appropriate notice. Notice requirements may be satisfied by posting the notice, summary, or other document prominently on the internet.
- Hold all budget meetings virtually or via telephone or other electronic means whenever possible. Allow for public participation virtually or by phone, and also provide a means to submit written communications including by email or other electronic communication that the committee or governing body may consider in a timely manner.
  - » Virtual meetings will satisfy the public hearing requirement in ORS 221.770(1)(b) and (c) relating to revenue sharing. You must still certify compliance to the Oregon Department of Administrative Services.

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*Disclaimer: This article is not legal advice. It is provided solely for informational and educational purposes and does not fully address the complexity of the issues or steps business must take under applicable laws.*

- Continue to pay the bills. The executive order gives municipal corporations the authority to continue to make reasonable expenditures for operations pursuant to the previous budget, even if budget meetings are disrupted or delayed to COVID-19.

All COVID-19 emergency public meetings procedures will apply for the duration of the state of emergency declared under [Executive Order 20-03](#), and all extensions of that order.

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**Souvanny Miller** has experience advising municipalities and other public entities in regulatory compliance, constitutional law, and public records and public meetings law. Souvanny has also represented clients in administrative proceedings, in Oregon circuit courts, and before the Oregon Court of Appeals. After law school, Souvanny served as a law clerk for the Oregon School Boards Association where she assisted staff attorneys in advising school boards and superintendents.

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