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Virtual Public Meetings are Here to Stay: Ohio Extends Open Meetings Act Exception into 2021

The Open Meetings Act exception allowing public bodies in Ohio to hold virtual meetings and hearings has been extended until at least July 1, 2021 through the passage of House Bill 404. The exception was originally set to expire on December 1 under the previous H.B. 197. The General Assembly passed H.B. 404 as an emergency measure, which will become effective immediately upon Governor Mike DeWine's signature.

The following rules will continue to govern virtual public meetings:

- Resolutions, rules and formal actions of any kind will be effective, just as if they had occurred in an in-person meeting.
- Members of a public body who attend meetings virtually will be considered present for purposes of voting and establishing a quorum.
- Public bodies must give at least 24 hours' prior notice of virtual meetings to the public, all parties necessary to the meeting, and the media that has requested notice in a manner which adequately provides the time and location of the meeting, as well as the manner by which the meeting will be conducted (in the case of an emergency, immediate notice of the meeting need only be given to necessary parties and the media that has requested notice).
- A method must be established of conversing with witnesses and receiving evidence by means of technology/equipment which is widely available to the public.
- The public must be given access to the meeting by means commensurate with the method by which the meeting is being conducted, so that the public can observe and hear all discussions and deliberations (e.g. live-stream of videoconferences, call-in numbers for teleconferences, etc.).

Running virtual public meetings smoothly has been an effort of trial and error over the last eight months. Government staff have been faced with a learning curve of new roles and technological tools to facilitate virtual meetings (e.g. public question/chat manager, meeting access manager). Even the best laid meeting plans may fall through due to platform issues or internet hackers. “ZoomBombers,” for example, have been known to disrupt meetings or even hack into executive sessions if the proper security controls are not put in place.

Frost Brown Todd has assisted many local governments with establishing plans and procedures to seamlessly transition from in-person to virtual public meetings.

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