

GUIDANCE DOCUMENT # 1 March 18, 2020

Suspension of “In Person Open Meeting Requirements”.

Governor Lamont issued the first of two orders that addressed issues of import to municipalities. He is also working on a third order pertaining to planning and land use issues. In Item 1 of Executive Order #7B¹, the Governor suspended “In-Person Open Meeting Requirements²”. What does that mean?

As a general rule, the order suspends all statutes, charter provisions, ordinances and regulations mandating open meetings in order “...to permit any public agency to meet and take such actions authorized by the law without permitting or requiring in-person, public access to such meetings, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology.”

Municipal officials, agencies, boards and commissions need to acknowledge that the order does not grant a license to engage in secrecy practices or to operate government business in the shadows. The order clearly requires municipalities to embrace the following:

- the public has the ability to view or listen to each meeting or proceeding in real time, by telephone, video, or other technology;
- any such meeting or proceeding is recorded or transcribed, and such recording or transcript shall be posted on the agency's website within seven (7) days of the meeting or proceeding, and made available within a reasonable time in the agency's office;
- the required notice and agenda for each meeting or proceeding is posted on the agency's website and shall include information about how the meeting will be conducted and how the public can access it;
- any materials relevant to matters on the agenda, including but not limited to materials related to specific applications, if applicable, shall be submitted to the agency a minimum of twenty four (24) hours prior and posted to the agency's website for public inspection prior to, during, and after the meeting, and any exhibits to be submitted by members of the public shall, to the extent

¹ The other subjects covered are: Item 2 - Waiver of Manufacturer Registration Requirement for Hand Sanitizer; Item 3 - Suspension of Garbing Requirements for Non-Hazardous Compounding of Sterile Pharmaceuticals; Item 4 - Refunds of Certain Liquor License Application Fees Permissible; Item 5 - Waiver of Face-to-Face Interview Requirements for Temporary Family Assistance; Item 6 - Flexibility to Provide for Adequate Healthcare Resources and Facilities.

² See, C.G.S. §§1-206, 1-225, and 1- 226.

- feasible, also be submitted to the agency a minimum of twenty-four (24) hours prior to the meeting and posted to the agency's website for public inspection prior to, during, and after the meeting; and
- all speakers taking part in any such meeting or proceeding shall clearly state their name and title, if applicable, before speaking on each occasion that they speak.

Those of you familiar with an early 1980s ruling of the Freedom of Information Commission will recognize many of these standards. Under the terms of Order #7C the Council may conduct virtual meetings including both participating officials and the public in a transparent and accessible manner, utilizing readily available meeting technologies.

Extension of Municipal Budget Adoption Deadlines: General and Capital Fund Budgets³.

In Item 5 of Executive Order #7C⁴, the Governor extended “all municipal budget deadlines for the preparation of the municipal budget” for the FY 2020-2021, which ends on June 30, 2021 “that fall on any date prior to and including May 15, 2020...by thirty (30) days⁵.” In essence, this order gives most municipalities an extra month or so to approve a budget; presumably under the virtual regime ordered in Executive Order #7B.

Furthermore, the following language gives chief executive officers the ability to hold off on submission until the legislative body approves a schedule: “All submission dates may be postponed until such time as the legislative body approves said modified schedule and deadline, consistent with the thirty (30) day extension.”

Under this order the “...legislative body of the municipality, or in a municipality where the legislative body is a town meeting, the board of selectmen, may alter or modify the schedules and deadlines pertaining to the:

³ Item 6, is as follows: “Extension of Regional Board of Education Budget Adoption Deadlines. Notwithstanding any provision of the Connecticut General Statutes, including Title 10, or any special act, municipal charter or ordinance, that conflicts with this order, all budget deadlines for the preparation of regional school district budgets for the fiscal year ending June 30, 2021 that fall on any date prior to and including May 15, 2020 may be extended by thirty (30) days. Any regional board of education may alter or modify the schedules and deadlines pertain to the preparation and submission of a proposed budget and the deliberation or actions on said budget by the legislative body or other fiscal authority, including any required hearing(s), publication, referendum or final budget adoption.”

⁴ The other subjects covered are: Item 2 - Flexibility of Graduation Requirements, and Prescribed Courses of Study; Item 3 - Flexibility for Educator Prep Programs; Item 4 - Flexibility for Educator Certification Timelines, Educator Evaluations, and School In-Services; Item 7 - Remote Conduct of DMV Operations; Items 8 + 9 - Limits on Visitors to (a) Facilities That Treat Persons with Psychiatric Disabilities and (b) Southbury Training School; Item 10 - COVID-19 Information Sharing Between Facilities That Treat Persons with Psychiatric Disabilities, DPH, and Local Health Directors.

⁵ Note: “Notwithstanding any provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter or ordinance.”

- preparation and submission of a proposed budget; and,
- the deliberation or actions on said budget by the legislative body or other fiscal authority, including
 - any required public hearing(s);
 - publication;
 - referendum; or,
 - final budget adoption.

Legislative bodies should move, post-haste, to re-structure the time-lines.