



## **Statement on Compliance with the Open Meetings Act during the COVID-19 Public Health Emergency**

March 23, 2020

On March 14, 2020, the governor declared a statewide public health emergency due to the COVID-19 pandemic, and he has issued several executive orders since that time. The Ethics Commission has received numerous questions from various state and local public bodies about public access to open meetings in light of the public health directives limiting the number of persons who may congregate in public. The Ethics Commission is empowered to enforce the Open Meetings Act, pursuant to Section 25-41-15, Miss. Code of 1972, but the commission has no advisory authority under the Open Meetings Act. Nevertheless, due to the volume of questions and level of public speculation on the topic, the Ethics Commission feels obligated to provide guidance to public bodies currently grappling with these issues.

The Ethics Commission reminds members of all state and local public bodies to strictly follow all orders, directives and recommendations from all federal, state and local authorities, the State Department of Health, the Centers for Disease Control and Prevention and other public health officials during this public health crisis. The Ethics Commission also encourages public bodies to comply with the Open Meetings Act as best they can under these extraordinary circumstances. Public bodies should take all measures within their means to ensure transparency in public affairs while doing everything possible to protect public health.

Such measures could include meeting by teleconference or video means, but the equipment used should be located in a public meeting place and should “allow all members of the public body and members of the public who attend the meeting to hear the deliberations of the public body.” Section 25-41-5(2). The Ethics Commission encourages public bodies to record the open portion of their meetings and to make those recordings available to the public. There are a number of ways to implement this practice, depending on the technology available to each public body. This practice complies with the spirit of the Open Meetings Act by ensuring the public have access to public meetings, even when the public are unable to attend. Additionally, the meeting agenda must be “made available to the public at the time of the meeting.” Section 25-41-5(3). Many public bodies already make video of their meetings and their agendas available to the public on the internet or social media.

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Notice: This email is not an official written opinion of the Mississippi Ethics Commission or its executive director and does not provide any legal protection from liability. That process is outlined in Section 25-4-17(i)(ii) and Section 23-15-821(7), Miss. Code of 1972, and Rules 27-28 of the Rules of the Mississippi Ethics Commission, and is further explained at [www.ethics.ms.gov](http://www.ethics.ms.gov).