

A RESOLUTION

26-36

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 4, 2025

To declare the existence of an emergency with respect to the need to amend the Open Meetings Act 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 2025”.

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’s Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571), 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 residents were advised to minimize travel outside the home to reduce the risk of transmitting the COVID-19 virus.

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

(c) On April 2, 2024, the Council passed emergency legislation that included

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authorization for public bodies to hold virtual meetings. That legislation, the Virtual Open Meetings Authority Extension Emergency Amendment Act of 2024, effective April 15, 2024 (D.C. Act 25-442; 71 DCR 4621), expired on July 14, 2024.

(d) On May 7, 2024, the Council passed the Virtual Open Meetings Authority Extension Temporary Amendment Act of 2024, effective July 19, 2024 (D.C. Law 25-194; 71 DCR 6752) (“Temporary Act”), which will expire on March 1, 2025.

(e) This emergency legislation is necessary to prevent a gap in the law following the expiration of the Temporary Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Virtual Open Meetings Authority Extension Emergency Amendment Act of 2025 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately