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Holly M. Johnson
Secretary

MEMORANDUM

To: Boards and Commissions

From: Holly M. Johnson, Secretary of the Finance and Administration Cabinet 

Date: March 16, 2020

Re: Meeting Protocols for Novel Coronavirus (COVID-19)

THIS MEMORANDUM REPLACES AND SUPERSEDES THE MEMORANDUM ISSUED MARCH 13, 2020.

On March 6, 2020, the Governor issued Executive Order 2020-215, declaring a state of emergency pursuant to his power under the Kentucky Constitution and KRS Chapter 39A regarding COVID-19, a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death.

COVID-19 is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person.¹ The Centers for Disease Control and Prevention (“CDC”) has identified the potential public health threat posed by COVID-19 both globally and in the United States as “high,” and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States.

In recognition of the fact that there are currently confirmed cases of COVID-19 in Kentucky, and with more expected, all Kentucky Boards and Commissions are required to take proper health precautions to mitigate the spread of COVID-19, including the use of video teleconference software for meetings.

Members of the public will only be able to view video-teleconferenced meetings remotely.

Statement of Policy

Effective immediately, and through the duration of the state of emergency, Boards and Commissions shall no longer meet in person.

¹ For more information on COVID-19, including symptoms and prevention, visit www.kycovid19.ky.gov.

Protocol: Prior to Meeting

At least twenty-four (24) hours prior to a currently scheduled in-person meeting, Boards and Commissions, and their staff, shall follow the following protocol:

1. Boards and Commissions, through staff or administrators, shall **cancel** upcoming in-person meetings. Notice of cancellation shall be posted in accord with law. **Board and Commissions members shall not be reimbursed for travel during the state of emergency, absent explicit approval by the Finance and Administration Cabinet.**
2. If a special meeting is needed, it shall be called by the Board or Commission Chairperson in accord with the provisions of KRS 61.823. The meeting may be set for the same time as the previously cancelled meeting, if practicable. For any meeting, the notice of the meeting shall include a notation that the meeting shall be conducted by video teleconference. Such notice shall be sent as soon as practicable, but in no case shall it be less than twenty-four (24) hours prior to the start of the meeting.
3. The Board or Commission shall provide members of the general public with a video link to access the meeting. Provision of such link shall not otherwise interfere with the conduct of the meeting.
4. Board and Commission staff and/or administrators shall ensure that Board and Commission members are provided clear instructions for the use of videoconferencing software² in advance of the meeting.
5. Boards and Commissions may contact the Finance and Administration Cabinet for additional guidance in the event additional expenses are incurred as a result of the emergency.

Protocol: Conduct of Meeting

All meetings shall be conducted in accord with the Kentucky Open Meetings Act, including, but not limited to, KRS 61.826, except that the requirement in KRS 61.826(2)(b) that the agency provide a “primary location . . . where the public may attend” is suspended to the extent that provision requires an in-person meeting location. Therefore, the **entire** meeting shall be conducted by video teleconference, with a publicly accessible video link being made available for the public to see and hear the meeting.

Should there be an interruption in the public video or audio broadcast of the meeting, the meeting shall immediately be suspended until full functionality is restored. If there is an interruption in the video or audio broadcast for an individual Board and Commission member, after reasonable efforts to restore the connections, the meeting may continue so long as a quorum remains present. The meeting should otherwise proceed as usual.

Conclusion

We greatly appreciate the service of our Boards and Commissions, and thank them for partnering with us to ensure the health and safety of all Kentuckians. Once the state of emergency has concluded, we will advise you. Please do not hesitate to contact Brian Thomas, at the Finance and Administration Cabinet’s Office of the General Counsel, at 502-564-6660, with any questions concerning this policy.

² Videoconferencing software is available through the Commonwealth Office of Technology (“COT”). Boards and Commissions should contact COT for information regarding and access to the software.