

A Resolution of the Jefferson County Board of Education

Regarding Site Acquisition Public Information Meeting Protocols for Novel Coronavirus (COVID-19)

WHEREAS, on March 6, 2020, the Governor issued Executive Order 2020-215, declaring a state of emergency throughout Kentucky pursuant to his power under the Kentucky Constitution and KRS Chapter 39A regarding the threats to public health presented by the Novel Coronavirus (COVID-19) pandemic; and

WHEREAS, the Secretary of the Kentucky Finance and Administration Cabinet has more fully described the public health threats of COVID-19 in the "Memorandum Re: Meeting Protocol for Novel Coronavirus (COVID-19)" dated March 16, 2020 (hereinafter the: "Meeting Protocol"); and

WHEREAS, the Meeting Protocol requires "all Kentucky Boards and Commissions" to take proper health precautions to mitigate the spread of COVID-19 and accordingly, with respect to the public attendance at meetings of said bodies, states "[m]embers of the public will only be able to view video-teleconferenced meetings remotely;" and

WHEREAS, the same emergency public health considerations as described in the Meeting Protocol apply to Kentucky public school districts and their Boards of Education; and

WHEREAS, the Kentucky Cabinet for Health and Family Services and the Kentucky Department of Education have each advised that all Kentuckians practice "social distancing" during the state of emergency, including but not limited to keeping a distance of at least six (6) feet between individuals and the cancellation of large "community gatherings;" and

WHEREAS, the Kentucky Open Meetings Act at KRS 61.840 provides that "no condition other than those required for the maintenance of order shall apply to the attendance of any member of the public at any meeting of a public agency"; and

WHEREAS, due to the emergency conditions currently existing under the present state of emergency and the need to mitigate the spread of COVID-19 via person-to-person contact in large community gatherings of persons where social distancing is difficult, the conditions necessary at this time for the maintenance of order, which include the mitigation of the spread of disease during a public health pandemic, at meetings of district boards of education include limitations on meeting attendance by members of the public such as described in the Meeting Protocol;

NOW, THEREFORE: Be it resolved by the Jefferson County Board of Education:

On Motion of _____, seconded by _____, the Board hereby **RESOLVES AND ORDERS** as follows:

- 1 Upon passage of this Resolution and until the above-referenced State of Emergency is lifted or other action by this Board, all Site Acquisition Public Meetings called for by Board Policy 05.12 shall be conducted pursuant to the procedures set forth in KRS 61.826 for video teleconferencing of meetings.

- 2 The Superintendent shall arrange for resources and instructions necessary to allow Site Acquisition Public Meetings to be conducted via video teleconferencing pursuant to KRS 61.826 and board policy.
- 3 Due to the circumstances previously described in this Resolution, in the Governor's declaration of a state of emergency, and in the Meeting Protocol, and based upon the authority to impose conditions to maintain order under KRS 61.840 in these extraordinary and emergency circumstances, the portion of Board Policy 05.12 providing that "the Superintendent/designee shall conduct a public information meeting to hear comments from the public regarding the proposed site, at a suitable facility in a place convenient to the affected community...." is modified to the extent that provision requires an in-person meeting. Likewise, the portion of Board Policy 05.12 providing that "All persons desiring to be heard shall be given an opportunity to present oral testimony..." shall also be modified. In the notice for such a meeting, the Superintendent shall identify a convenient location at which interested citizens can appear at a designated date and time and present oral testimony via video teleconferencing, using District-provided equipment, that will become a part of the Official Minutes of the meeting. The Superintendent shall arrange for any resources necessary to allow for public comment in this fashion and make provisions so that those who appear to testify remain appropriately socially-distanced while doing so.
- 4 Members of the public will also have the opportunity to voice opinions or express concerns by submitting remarks via email or through regular mail. Remarks should be sent to the Assistant Secretary to the Board angela.gilpin@jefferson.kyschools.us or mailed to Angela Gilpin VanHoose Education Center, 3332 Newburg Road, Louisville, KY 40218. Such remarks will be accepted up to the scheduled date and time of the meeting and for seventy-two (72) hours thereafter. All Public remarks will be recorded in the Official Minutes of the meeting.
- 5 The remaining provisions of Board Policy 05.12 shall be followed as normal except that the notices discussed therein shall, rather than identifying a place for the public meeting, shall include directions on public viewing of the meeting via the internet and the manner by which public comments will be received in compliance with the directives above. The District will provide members of the general public with notice and a video link to observe meetings and information on how to comment orally or in writing.
- 6 Should there be an interruption in the public video or audio broadcast of the meeting, the meeting shall be suspended until the full functionality is restored.

Adopted by the Board this _____ day of _____, 2020.

Attested by _____, Chair of the Board.