Commonwealth of Kentucky
Finance and Administration Cabinet
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Andy Beshear
Governor

Holly M. Johnson
Secretary

MEMORANDUM

To: Boards and Commissions

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

Date: March 12, 2020

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

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. The meeting protocols provided herein will apply during this state of emergency.

COVID-19 is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. 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 encouraged 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 should be encouraged to view video-teleconferenced meetings remotely. If members of the general public gather to view the meeting, they are to be advised to take all reasonably necessary steps necessary to protect their health, including but not limited to, avoiding person-to-person contact, engaging in "social distancing," and not attending the meeting if they are exhibiting symptoms of COVID-19 (fever, shortness of breath, and coughing).[1]

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

Statement of Policy

Effective immediately, and through the duration of the state of emergency, Boards and Commissions should no longer meet in person except as provided herein.

Protocol: Prior to Meeting

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

1. Boards and Commissions, through staff or administrators, should cancel upcoming in-person meetings. Notice of cancellation should be posted in accord with law. Board and Commissions members will not be reimbursed for travel during the state of emergency, absent explicit approval by the Finance and Administration Cabinet.
2. A special meeting should be called by the Board or Commission Chairperson in accord with the provisions of KRS 61.823. The meeting should be set for the same time and location as the previously cancelled meeting, but the notice of the special meeting should include notation that the meeting shall be conducted by video teleconference. Such notice should 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. Boards and Commissions shall designate a location where members of the public may gather to view the teleconference in accord with the requirements of the Open Meetings Act. The default location shall be the Boards and Commissions meeting rooms in the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601.[2] Board and Commission staff and/or administrators should be directed to facilitate the use of this location for public viewing, and to provide adequate "social distancing." [3]
5. Board and Commission staff and/or administrators should ensure that Board and Commission members are provided clear instructions for the use of videoconferencing software[4] in advance of the meeting.

[2] To coordinate use of the Mayo-Underwood Building meeting rooms, please contact the Department of Professional Licensing at 502-564-3296 or DPL@ky.gov.

[3] Adequate "social distancing" means at least six feet between chairs. Boards and Commissions should also ensure that the location has been thoroughly cleaned, and provide hand sanitizer in the location.

[4] "Zoom" videoconferencing is available through an existing contract. Board staff and administrators should contact the Commonwealth Office of Technology ("COT") for information regarding and access to the Zoom software.

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. Should there be an interruption in the video or audio broadcast of the meeting, the meeting shall immediately be suspended until full functionality is restored. The meeting should otherwise proceed as usual.

Exceptions

Exceptions to this protocol may, for good cause shown, be granted by the Office of the Secretary of the Cabinet to which the Board or Commission is attached (or the equivalent head of agency if the Board or Commission is not attached to a Program Cabinet). The Office of the Secretary shall review with the Office of Legal Services to determine whether a meeting should proceed as an in-person meeting. Requests for a Board or Commission to meet in-person should be communicated to the Office of the Secretary as soon as practicable.

In the event that it is determined by the Office of the Secretary that a meeting may proceed on an in-person basis, members of the Boards and Commissions should take all steps reasonably necessary to protect their health, including, but not limited to: avoiding person-to-person contact, engaging in "social distancing," and not attending the meeting if you are exhibiting symptoms of COVID-19 (fever, shortness of breath, and coughing).

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 the Office of the Secretary with any questions concerning this policy.