



**Date:** May 19, 2022

**To:** Members of the Governor's Interagency Council on Health Disparities

**From:** Benjamin Danielson, Chair

**Subject:** Council Business – Format of Future Council Meetings

### **Background**

On February 29, 2020, Governor Inslee issued Proclamation 20-05, proclaiming a State of Emergency for all counties in Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak. On March 13, 2020, President Trump declared a national emergency through Proclamation 9994 concerning the COVID-19 pandemic. President Biden issued a notice on April 13, 2022, continuing the national emergency for another 90 days.

On March 24, 2020, the Governor issued Proclamation 20-28, prohibiting in-person meetings as well as waiving and suspending provisions in RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act (OPMA), that hinder conducting public meetings remotely. The OPMA requires all meetings of governing bodies of public agencies to be open to the public. Proclamation 20-28 and subsequent extensions waived requirements for an in-person setting for public meetings, allowing agencies to hold fully remote public meetings.

During the 2022 Legislative Session, the Legislature passed and the Governor signed Engrossed Substitute House Bill (ESHB) 1329, which:

- Clarifies that meetings subject to the OPMA must have a physical location, with a few allowed exceptions; and
- Allows agencies to limit public attendance or to hold public meetings remotely after a local, state, or federal state of emergency has been declared if the agency determines that a meeting with in-person attendance cannot be held with reasonable safety because of the emergency. If it makes such a determination, it may:
  - (a) Hold a remote meeting of the governing body without a physical location; or

(b) Hold a meeting of the governing body at which the physical attendance by some or all members of the public is limited due to a declared emergency.

Further, if the agency decides to limit public attendance or conduct the meeting remotely, it must provide an option for the public to listen to the meeting. This may be through the telephone, on a local cable television station, over the Internet, or through some other means. The option cannot require any cost to the public to access the meeting. If the public agency does not provide such an option, it cannot take action at the meeting. Notice provided for a remote meeting or a meeting with limited public attendance must include instructions for how the public may attend remotely.

On April 29, 2022, Governor Inslee issued Proclamation 20-28.16, stating that:

- Proclamation 20-28 and its subsequent extensions, which waived the OPMA requirement for in-person locations for public meetings, are terminated and rescinded effective 12:01 A.M. on June 1, 2022; and
- Proclamation 20-05 and its subsequent amendments remain in effect, therefore a State of Emergency continues to exist in all counties of Washington.

Meetings of the Governor's Interagency Council on Health Disparities (Council) are subject to the OPMA. Based on the above proclamations as well as general public health and Department of Health guidance, the Council has conducted four fully remote public meetings since the beginning of the State of Emergency. These meetings did not have a physical location and, instead, provided the opportunity for Council members and members of the public to participate via a video communications platform, without additional costs.

### Summary

At today's meeting, the Council will have an opportunity to discuss how it wants to hold future public meetings while the States of Emergency continue to exist, and whether or not it can hold in-person meetings with reasonable safety. In particular, if the Council determines it cannot hold in-person meetings with reasonable safety, then it may consider whether to hold meetings entirely remotely or to meet in person and limit public attendance.

### Recommended Council Action

After discussion, the Council may choose to consider, amend if necessary, and adopt one of the following motions:

**Proposed Motion 1** (fully remote meetings): Due to the COVID-19 state of emergency as well as the reasons articulated by the Council today, the Council determines it is not reasonably safe to hold in-person meetings at this time. The Council directs Council staff to organize fully remote meetings for the duration of the Washington State of Emergency or the National Emergency, whichever terminates later.

**Proposed Motion 2** (limit physical attendance): Due to the COVID-19 state of emergency as well as the reasons articulated by the Council today, the Council determines it is not reasonably safe to hold in-person meetings that include attendance by members of the public during this time. The Council directs Council staff to organize in-person meetings for Council members without in-person attendance by members of the public for the duration of the Washington State of Emergency or the National Emergency, whichever terminates later.

**Proposed Motion 3** (fully in-person meetings): The Council determines that it is reasonably safe to hold in-person meetings and directs Council staff to identify in-person meeting locations for 2022 and to revise the Council's 2022 meeting schedule accordingly.

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at [kelie.kahler@sboh.wa.gov](mailto:kelie.kahler@sboh.wa.gov). TTY users can dial 711.

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