

**Best Practices Guidelines**

**Meetings** - updated 8/17/20 - EO 7NNN

<p><b>Clarification</b></p>	<p>There has been a degree confusion as to what constitutes a municipal meeting for purposes of Executive Orders. In short, municipal meetings are gatherings of public bodies - social and recreational gatherings, to which multiple Executive orders address are not. Accordingly, municipal officials should, when contemplating a municipal meeting, adhere to the Executive Orders (including remote access) addressing public meetings only.</p>
<p><b>Critical Functions</b></p>	<ul style="list-style-type: none"> <li>Public meetings bring diverse groups of stakeholders together for a specific purpose. Public meetings are held to engage a wide audience in information sharing and discussion. They can be used to increase awareness of an issue or proposal, and can be a starting point for, or an ongoing means of engaging, further public involvement. When done well, they help build a feeling of community. (EPA)</li> <li>The Office of Legislative Research (OLR) in a 2016 report (2016-R-0099) identified <b>149 instances in the statutes that required some form of public notification by a municipality</b>. There are multiple instances where public notification is optional or where the statutes apply to a specific entity - including municipalities. - Three basic types: Regular, Special and Emergency.</li> </ul>
<p><b>Statutory Notes</b></p>	<ul style="list-style-type: none"> <li><b>Chapter 14 - Freedom Of Information Act, Sec. 1-200 - 1-242</b> Inclusive</li> <li><b>Title II of the ADA</b> which covers activities of State and local governments requires that State and local governments <b>give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities</b> ..</li> <li><b>Title VI of the Civil Rights Act of 1964 prohibits discrimination</b> on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d). Courts have interpreted Title VI's prohibition of discrimination on the basis of national origin to include discrimination based on English proficiency. Under Title VI public bodies are required to provide Limited English Proficiency (LEP) individuals with meaningful access to their programs and services. Providing <b>"meaningful access" will generally involve some combination of services for oral interpretation and written translation of vital documents.</b></li> </ul>
<p><b>Executive Orders</b></p>	<p><b>7N</b> - Addressed social distancing in order to minimize COVID-19 exposure, <b>amended and superseded by Executive Order 7D and now 7N-1</b></p> <p><b>Executive Order 7N Link:</b> <a href="https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7N.pdf">https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7N.pdf</a></p> <p><b>7B - Suspension of in-person open meeting requirements:</b> The order modifies statutes regarding state and local government meetings that are required to permit members of the public to attend in-person and authorizes those meetings to be held remotely by conference call or videoconference, provided that the public is provided remote access to view or listen to the meetings and access materials for the meetings. <b>Sec. 1-206, 225 and 226</b></p> <p><b>Executive Order 7B Link:</b> <a href="https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf">https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf</a></p> <p><b>7HH - 1</b> - Executive Order 7HH <b>clarifies that as of the date of issuance (May 1st) and going forward, the relevant elected body or bodies in each municipality must adopt a budget for 2020-2021 without an in-person vote by residents.</b> It also validates any budget referendum or annual town meeting that has already been conducted. <b>This order clarifies Executive Order No. 7I, Section 13</b>, to provide uniformity and consistency across municipalities, and prioritize health and safety while the risk of transmission of COVID-19 in large gatherings remains high. In cases where the final action in the budget making process is a referendum or town meeting involving in-person votes of the public, the legislative body of the town – or the Board of Selectmen if the town meeting is the legislative body – shall authorize the “budget-making authority” of the town to adopt a budget and set a mill rate. For guidance on identifying a town’s “budget making authority,” please refer to (1) your local charter; (2) Title 7; or (3) local ordinances in communities without charters. The “budget-making authority” must make reasonable efforts to reach out to the public, including providing draft budgets, and receive comments. Remote public budget meetings and hearings (by conference call, videoconference or other technology) shall proceed consistent with town charters or other applicable municipal ordinances, resolutions and</p>

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procedures, and in compliance with the open meeting provisions in **Section 1 of Executive Order No. 7B.**

**7HH-2 - Authorization for common-interest communities to hold meetings remotely:** This allows common interest communities, such as condominium associations and homeowners associations, to conduct business remotely and hold votes entirely by ballot if their by-laws or governing documents do not already permit it. *Sec 47-250 and 47-252 are modified, ,Sec. 47-250(a)(5), 47-250(b)(7), and/or 47-252(d)*

Executive Order 7HH Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7HH.pdf>

**7JJ-4 - Allowance of Suspension of In-Person Voting Requirements by Members of the Public for Critical and Time-Sensitive Municipal Decisions.** Notwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter, ordinance or resolution that conflicts with this order, the legislative body of a municipality, or in a municipality where the legislative body is a town meeting other than a representative town meeting, the board of selectmen, after making specific findings that such action is necessary to permit the orderly operation of the municipality and that there is a need to act immediately and during the period of the declared public health and civil preparedness emergency, in order to avoid endangering public health and welfare or prevent significant financial loss, or that such action is otherwise necessary for the protection of persons and property within the municipality, may

- (i) adopt or amend ordinances or resolutions only as necessary to complete transactions deemed essential;
- (ii) approve, enter into or amend existing contracts or agreements deemed essential; or
- (iii) option, acquire, transfer, lease, dispose of or sell any real or personal property, or interest therein, as shall be deemed essential, with the exception of non-judicial tax sales or other property transfers that would result in the eviction of a residential tenant, without complying with any requirements for in-person approval by electors or taxpayers, including but not limited to, annual or special town meetings requiring votes or referenda. In so acting, the legislative body shall comply with open meeting requirements set forth in **Executive Order No. 7B.**

All conditions precedent to any such approval, including without limitation, public notices, hearings or presentations, shall proceed in a manner as closely consistent with the applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible, and in compliance with the open meeting provisions set forth in Executive Order No. 7B.

The foregoing authority is **not intended to apply to budgetary or similar essential non-budgetary financial actions which require the concurrent approval of the municipal budget-making authority and are subject to the provisions of Executive Order Nos. 7I, Section 13, 7S, Section 7, and 7CC, Section 1.** Nothing in this order shall be construed to prohibit a municipality from conducting any in-person meeting, approval process, or referendum, provided such municipality first consults with local or state public health officials and conducts such meeting, approval process, or referendum.

Executive Order 7JJ Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7JJ.pdf>

**700-1 -Procedures for Local Appointments and Elections Requiring In-Person Vote.** Notwithstanding Title 7 of the Connecticut General Statutes, Section 10-46 of the Connecticut General Statutes, or any special act, municipal charter, ordinance, bylaw or resolution, or any plan of reapportionment approved pursuant to Section 10-63l et seq. of the Connecticut General Statutes ("Law") that conflicts with this Order, in any municipality where the town meeting, annual town meeting, district meeting or other meeting of electors or voters ("applicable municipal authority") is the authority for appointing or electing members or officials to any municipal or regional governmental office, board, agency, commission or quasi-municipal corporations ("municipal or regional governmental entity or quasi-municipal corporation"), all deadlines or timeframes for electing such members or officials or making such appointments requiring approval by a town meeting or election that are scheduled to occur prior to June 9 for the purpose of nominating candidates or prior to June 30 for the purposes of electing, nominating or appointing such members or officials, shall be suspended and such town and district or town meetings or elections shall be held as follows:

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- a. **Any district or town meeting required by Law for the purposes of nominating but not electing or appointing candidates shall be held on June 9, 2020**, and no other business may be conducted at such meeting.
- b. **Any election, and any district or town meeting required by Law for the purposes of electing or appointing members or officials to any municipal or regional governmental entity or quasi-municipal corporation, including nomination of candidates, if applicable, shall be conducted between June 27 and June 30, 2020**, and no other business shall be conducted at such election or district or town meeting.
- c. The officials responsible for administering any such district or town meetings, elections and nominations **shall use their best efforts to conduct such proceedings using remote means in accordance with the open meeting provisions of Executive Order No. 7B**, while also implementing measures to safeguard the integrity of the process. If it is determined that any such district or town meeting or election cannot be conducted safely and accurately by remote means, officials shall take all reasonable measures to protect the public health, including consulting with local or state public health officials and conducting such meeting or election in a way that significantly reduces the risk of transmission of COVID-19.
- d. **Nothing in this order shall permit any election or meeting that is already scheduled or required by current law to be scheduled after June 30, 2020 to be held earlier than its currently scheduled date or the time frame required by current law.**

The term “municipal or regional governmental entity or quasi-municipal corporation” shall include, but not be limited to regional boards of education, municipal boards and commissions (including town, city or borough, whether consolidated or unconsolidated), any village, school, special services or special taxing districts as defined under Section 7- 324 of the Connecticut General Statutes, any regional water or resource recovery authority or any other political subdivision of the state or of any municipality. This Order shall not apply to elections conducted under Title 9 of the General Statutes, other than as specified under Section 10-46(c)

**7QQ-6 - Clarification that Commissioner Orders Issued Pursuant to the Governor’s Executive Orders Are Not Regulations Subject to the UAPA.** Section 4-166(16) of the Connecticut General Statutes is modified to clarify that the definition of a regulation does not include any amendment or repeal of an existing regulation and any directive, rule, guidance, or order issued by a Commissioner or Department Head pursuant to a Governor’s Executive Order during the existing civil preparedness and public health emergency and any renewal or extension thereof. Notwithstanding Sections 4-166 to 189, inclusive, of the Connecticut General Statutes, any Commissioner or Department Head, as permitted or directed by any such Governor’s executive order, may modify or suspend any regulatory requirements adopted by the Commissioner or Department Head that they deem necessary to reduce the spread of COVID-19 and to protect the public health. This section applies to all orders that have been issued since the declaration of public health and civil preparedness emergencies on March 10, 2020 and for the duration of the public health and civil preparedness emergency, including any period of renewal of such emergency declaration.

Executive order 7QQ Link - <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7QQ.pdf>

**7NNN - 1 - Executive Order No. 7BB, Section 2, issued on April 17, 2020, is repealed.** Effective immediately, any person in a public place in Connecticut, whether indoors or outdoors, who does not maintain a safe social distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face-covering. In addition, individuals shall use a mask or cloth face covering when using the services of any taxi, car, livery, ride-sharing or similar service, or any means of mass public transit, or while within any semi-enclosed transit stop or waiting area.

- a. Nothing in this order shall require the use of a mask or cloth face covering by anyone for whom doing so would be contrary to his or her health or safety because of a medical condition, a child in a child care setting, or anyone under the age of 2 years. Any person who declines to wear a mask or face covering because of a medical condition shall be exempt from this order and any requirement to wear masks in Sector Rules or other rules issued by the Commissioner of the Department of Economic and Community Development (DECD), but only if such person provides written documentation that the person is qualified for the exemption from a licensed medical provider, the Department of Developmental Services or other state agency that

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	<p>provides or supports services for people with emotional, intellectual or physical disabilities, or a person authorized by any such agency. Such documentation need not name or describe the condition that qualifies the person for the exemption</p> <p>a. The Commissioner of DECD shall issue updated versions of Sector Rules, Safe Workplace Rules for Essential Employers, or other rules issued pursuant to previous executive orders, which updated versions shall set forth updated requirements for face coverings within those settings, and which, when complied with, shall constitute compliance with this order.</p> <p>b. This order shall supersede and preempt any current or future municipal order whenever such order conflicts with this order.</p> <p>Executive Order Link 7NNN- <a href="https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7NNN.pdf">https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7NNN.pdf</a></p>
<p><b>Continuity issues</b></p>	<ul style="list-style-type: none"> <li>• Municipalities, through their various boards and commissions, are required to carry on the business of government. This includes public meetings and hearings. <b>Executive Order 7B</b> “modifies statutes regarding state and local government meetings that are required to permit members of the public to attend in-person and <b>authorizes those meetings to be held remotely by conference call or video conference</b>, provided that the public is provided remote access to view or listen to the meetings and access materials for the meetings.”</li> <li>• <b>Technology</b> - The majority of municipal boards and commissions are not acquainted with the technology and the proper process to ensure access</li> <li>• <b>Access Limitations</b> - Not everyone has Wi-Fi, not everyone has cable television, and not everyone has a computer or skills to access these events.</li> </ul>
<p><b>Suggested Best Practices</b></p>	<p><b>Public Meetings</b></p> <ul style="list-style-type: none"> <li>✓ Consistent with Executive orders - ALL meetings should be conducted utilizing an online video platform</li> <li>✓ Not all residents have WiFi or Internet connections - Meetings should also be played live on local cable access channels and have telephone dial-in option.</li> <li>✓ Community Notification System is a mass notification product that many communities use to provide urgent information to their residents. While the primary use of such systems is to convey emergency information can and should be used to notify residents of a range of developments - including community meetings.</li> <li>✓ Review, with the communities IT division or consultant, security, capacity</li> <li>✓ Video Conferencing             <ul style="list-style-type: none"> <li>▶ Zoom. GoToMeeting. Cisco Webex Meetings. BlueJeans. <a href="https://join.me">join.me</a>, UberConference, TeamViewer, and Adobe Connect (not an exhaustive living - do not forget about security).</li> </ul> </li> </ul> <p><b>Policy and Procedures</b></p> <ul style="list-style-type: none"> <li>✓ Municipalities should adopt a uniform policy and procedure for all boards and commissions - including the software to be utilized.</li> <li>✓ Post the municipalities policy and procedure on the town’s website - including a link to allow the public to download the software being utilized.</li> <li>✓ Provide a means for submission of written material</li> <li>✓ Any minutes created should reflect the fact that the meeting is being held remotely as the result of the publicly declared state emergency necessitating remote meetings. This should be done to ensure that any subsequent search of the record (perhaps years down the line) it will be clear why such actions were taken.</li> </ul>

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<p><b>Suggested Best Practices</b></p>	<p><b>Sample Process/Procedure</b> (adapted from MetroCOG)</p> <p>Notice is hereby given that this remote electronic public meeting shall:</p> <ol style="list-style-type: none"> <li>1. Permit the public to view or listen anonymously, and when permitted, participate in real-time;</li> <li>2. Be recorded and posted to _____'s website within 7 days;</li> <li>3. Be made available to the public within a reasonable time (at _____'s offices or upon written request.</li> </ol> <p>In addition to standard parliamentary procedure as outlined on this agenda, the following special rules shall apply to all participants:</p> <ul style="list-style-type: none"> <li>✓ Please "mute" your microphone so as reduce background noise at any time you are not speaking.</li> <li>✓ Prior to speaking on each occasion, each speaker shall clearly state their name and title for the record.</li> <li>✓ The use of chat features are prohibited and will not be considered during the meeting if in use.</li> </ul> <p>Notice is hereby given that only ____ participants may access this remote electronic public meeting at any one time.</p> <p>Access is granted solely by the _____ technology on first access basis and is not within the control of the _____. While it is anticipated that this participant limit will be sufficient, should the participants reach said limit, the meeting may be adjourned and continued at a later date using technology appropriate to ensure all members of the public may participate.</p> <p><b>GUIDELINES FOR PUBLIC PARTICIPATION IN REMOTE ELECTRONIC MEETINGS</b>          Anyone who desires to address the Council must adhere to the following rules of participation:</p> <ul style="list-style-type: none"> <li>✓ The _____ welcomes all public participation but asks that all comments be limited to items listed on the meeting agenda.</li> <li>✓ Please state your name and address for the record prior beginning your comment.</li> <li>✓ The _____ presiding officer will limit each comment to __ minutes in order to accommodate all members of the public that wish to speak. The presiding officer may allow additional time at their discretion.</li> <li>✓ The _____ presiding officer will limit each comment to __ minutes in order to accommodate all members of the public that wish to speak. The presiding officer may allow additional time at their discretion.</li> <li>✓ Written comments or statements on any topic within the purview of the body are always welcome and will be provided to all _____ members.</li> <li>✓ Please be advised that immediate replies to questions/comments should not be expected.</li> </ul>
<p><b>Resources</b></p>	<ul style="list-style-type: none"> <li>• <b>Connecticut Freedom of Information Commission</b> - <a href="https://portal.ct.gov/FOI/Regulations/The-FOI-Act/Sec-1225--Formerly-Sec-121--Meetings-of-government-agencies-to-be-public--Recording-of-votes--Schedu">https://portal.ct.gov/FOI/Regulations/The-FOI-Act/Sec-1225--Formerly-Sec-121--Meetings-of-government-agencies-to-be-public--Recording-of-votes--Schedu</a></li> <li>• <b>Public Meetings in the Time of Covid-19</b> - <a href="https://icma.org/blog-posts/public-meetings-time-covid-19">https://icma.org/blog-posts/public-meetings-time-covid-19</a></li> <li>• <b>The New Normal: Communities Adjust to Conducting Business Remotely While Maintaining Citizen Input</b> - <a href="https://icma.org/blog-posts/new-normal-communities-adjust-conducting-business-remotely-while-maintaining-citizen">https://icma.org/blog-posts/new-normal-communities-adjust-conducting-business-remotely-while-maintaining-citizen</a></li> <li>• <b>Connecticut State Colleges &amp; Universities - Freedom of Information Act - Public Meetings Guide</b> - <a href="https://www.ccsu.edu/universitycounsel/files/PublicMeetingsGuide.pdf">https://www.ccsu.edu/universitycounsel/files/PublicMeetingsGuide.pdf</a></li> </ul>

The information contained in this document is not intended to provide legal advice and should be used only for guidance regarding various functions performed by municipalities. Individual questions regarding the applicability of Executive Orders should be directed to the Office of Policy and Management Intergovernmental Policy and Planning Division (IGPP) or the town's legal representative.

The Advisory Commission on Intergovernmental Relations (ACIR) is a 24-member agency of the State of Connecticut created in 1985 to study system issues between the state and local governments and to recommend solutions as appropriate. The membership is designed to represent the state legislative and executive branches, municipalities and other local interests, and the general public.

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The role of ACIR, as contained in Section 2-79a of the Connecticut General Statutes, is to: (1) serve as a forum for consultation between state and local officials; (2) conduct research on intergovernmental issues; (3) encourage and coordinate studies of intergovernmental issues by universities and others; and (4) initiate policy development and make recommendations to all levels of government.

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