



State of Rhode Island

Daniel J. McKee
Governor

EXECUTIVE ORDER

22-01

January 6, 2022

ALLOWING REMOTE PARTICIPATION IN PUBLIC MEETINGS

WHEREAS, on November 12, 2021, Executive Order 21-109 was issued for a declaration of a state of emergency due to the increased dangers to health and life posed by the Delta variant of SARS-CoV-2, which was then the dominant strain in Rhode Island and nationally;

WHEREAS, a new COVID-19 variant known as Omicron has appeared in the United States and, according to national and international authorities, is dangerously contagious and is expected to intensify the transmission of COVID-19;

WHEREAS, given the recent surge in both the Delta and Omicron variants and Rhode Island's understaffed hospitals and healthcare facilities, I have taken a comprehensive set of actions designed to further limit the spread of COVID-19, including indoor masking and/or proof of vaccination;

WHEREAS, as a result of the recent surge in COVID-19 variants, many public and private employees are once again being asked to work remotely;

2022 JAN -6 AM 11:26

SECRETARY OF STATE
PUBLIC INFORMATION
CENTER



WHEREAS, many important functions of state and local government are executed in meetings of “public bodies,” as that term is defined in the Open Meetings Act, Rhode Island General Laws § 42-6-1 et seq. (OMA);

WHEREAS, according to the public policy articulated in the OMA, Rhode Island General Laws § 42-46-1, “[i]t is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy;

WHEREAS, guidance on best practices for conducting public meetings remotely and otherwise can be found at the Rhode Island Department of Administration, Division of Information Technology website at <http://www.doit.ri.gov/covid-19/>;

WHEREAS, the OMA does not allow public bodies or members of public bodies to convene by telephone or other electronic means, except for in very limited circumstances, as defined in Rhode Island General Laws § 42-46-5(b);

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of public bodies;

WHEREAS, Rhode Island General Laws § 30-15-9(e)(1) permits the Governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency; and

WHEREAS, Rhode Island General Laws § 30-15-7(1) authorizes the Governor to issue executive orders that have the force and effect of law.

NOW THEREFORE, I, DANIEL J. MCKEE, by virtue of the authority vested in me as Governor of the State of Rhode Island, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby order and direct the following:

1. Public bodies conducting meetings, as those terms are defined by the OMA, are hereby relieved from the prohibitions regarding use of telephonic or electronic communication to conduct meetings contained in Rhode Island General Laws § 42-46-5(b), and are required to make provisions to ensure public access to the meeting of the public body for members of the public through adequate, alternative means.
 - a. Adequate alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring.
 - b. Where allowance for active, real-time participation by members of the public is a specific requirement of a state or local law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.
 - c. A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.
 - d. Any meetings occurring during the timeframe when this Executive Order is in effect must provide adequate alternative means for public access, even if the members of the public body are able to convene in person.
2. A public body that elects to conduct its proceedings under the relief provided in section (1) shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely.
3. All other provisions of the OMA shall remain unchanged and fully applicable to the activities of public bodies.

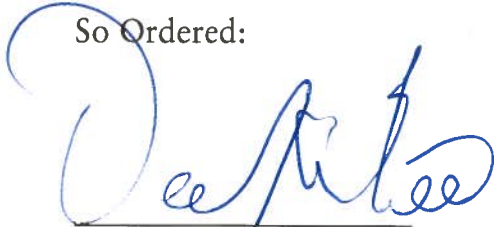
This Order shall take effect immediately and remain in full force and effect until February 4, 2022 unless renewed, modified or terminated by subsequent Executive Order.

Executive Order 22-01

January 6, 2022

Page 4

So Ordered:

A handwritten signature in blue ink, appearing to read "Daniel J. McKee", written over a horizontal line.

Daniel J. McKee
Governor