



A quick guide to [Executive Order 22-20](#) impacting public meetings

As our State continues to respond to challenges brought on by the COVID-19 pandemic, Rhode Islanders need to have trust and confidence in their state and local government. We encourage public bodies and agencies to continue to operate as openly and transparently as possible.

On February 18, 2022, Governor Daniel J. McKee issued [Executive Order 22-20](#), which modifies certain provisions of the Open Meetings Act (“OMA”) as part of the State’s emergency response to COVID-19. This Executive Order is in place until March 19, 2022, unless renewed, modified, or terminated by subsequent executive order.

Similar to the most recent prior Executive Order pertaining to the OMA ([Executive Order 22-01](#), which was issued on January 6, 2022, and subsequently renewed), [Executive Order 22-20](#) permits public bodies to convene in a virtual or hybrid format. Unlike [Executive Order 22-01](#), this new Executive Order provides that public bodies may elect to meet only in person, in which case members of the public must be permitted to attend the meeting in person but the public body is not required to provide adequate alternative means of access, although the public body may still elect to do so.

The following is intended to serve as a quick guide to the [OMA](#) modifications contained in the Order.





OMA: What has changed as a result of Executive Order 22-20?

Public bodies **may now conduct meetings by telephone or audio or video conferencing**, provided that the public body ensures public access to the meeting through adequate, alternative means.

- **Adequate alternative means of public access:** Measures that provide transparency and permit timely and effective public access to the deliberations of a public body. Examples include 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 in real time.
- Any adequate alternative means of public access must be provided for free.
- If a state or local law requires real-time participation by members of the public, any alternative means must provide for such participation.
- Any public body that conducts its proceedings under this executive order must ensure that any party required to appear before it is able to do so remotely.
- Although this Executive order relieves public bodies from the usual prohibition against its members meeting by telephonic or electronic means, public bodies may choose to meet only in person and not by virtual means. If a public body meets only in person and provides in-person public access to its meetings, the public body is not required to provide adequate alternative means of public access, though it may still opt to do so.
- All other provisions of the OMA remain unchanged.



Frequently Asked Questions

1. Do meetings conducted via adequate alternative means have to pertain to an essential purpose?

A: No. Under [Executive Order 22-20](#), a public body may hold a meeting about any topic as long as the public has access through adequate alternative means and the other requirements of the [OMA](#) are satisfied.

2. What constitutes “adequate alternative means of public access”?

A: “Adequate alternative means” may include conferencing via telephone or video in a manner that allows the public to follow the meeting in real time. Any adequate alternative means of public access must be provided to the public at no cost.

The public body must make the teleconferencing number or audio/video link available to the public. The public body should provide this information in the meeting agenda or state in the agenda where the information is available.

3. Are there any exceptions to the requirement that public bodies have to provide adequate alternative means for public access to meetings?

A: Yes. If a public body elects to meet in person and provides in-person public access to its meetings, then the public body does not have to provide adequate alternative means of public access. However, the public body may still choose to additionally provide adequate alternative means of access in addition to in-person access, and is encouraged to do so when it is feasible and would increase public access to meetings.

4. What should be listed as the “place” of the meeting on the agenda for a virtual meeting?

A: The telephone number, URL address, or other means the public has of accessing the meeting should be listed as the “place” of the meeting. Additionally, if the meeting is a hybrid meeting where some members of the public body and of the public are convening in person, that in-person location should also be listed on the agenda.

5. Can a public body use a telephone, live streaming, or other similar technology service that requires participants to register for an account?

A: A public body may use a service that requires participants to register for an account so long as the service is available to the public at large and there is no cost associated with creating an account as a member of the public.



Frequently Asked Questions

6. Can the Office of Attorney General recommend any virtual meeting services?

A: The Office of Attorney General cannot and does not endorse any particular virtual meeting services. However, we are aware of several little to no-cost services available for public bodies, such as Zoom, GoTo Meeting, and Webex.

7. Does a public body still have to post notice of the meeting as required in the OMA?

A: Yes. [Executive Order 22-20](#) does not suspend the OMA's notice requirements. Public bodies are required to post supplemental notice at least 48 hours prior to the meeting on the Secretary of State's website, at the principal office of the public body, and at one other prominent location within the public body. [See R.I. Gen. Laws §§ 42-46-6\(b\),\(c\)](#). If the physical locations where notice is usually posted are closed, notice may be affixed to the outside of the building. If a public body must convene an emergency meeting, the usual requirements of the OMA remain applicable – the agenda must be posted as soon as practicable. [See R.I. Gen. Laws § 42-46-6\(c\)](#).

8. Do the members of the public body have to be physically present in the same room to convene the meeting?

A: No. Consistent with [Executive Order 22-20](#), public body members may participate in the meeting from different locations via telephone or video conferencing as long as the public is provided adequate alternative means to access the meeting.

9. If a public body is able to meet in person, does public access still have to be provided through adequate alternative means?

A: No. Unlike [Executive Order 22-01](#), if a public body elects to meet in person and provides in-person public access to its meetings, then the public body does not have to provide adequate alternative means of public access. However, the public body may still choose to additionally provide adequate alternative means of access in addition to in-person access, and is encouraged to do so when it is feasible and would increase public access to meetings.

10. If the members of a public body meet in person and provide the public with in-person access to the meetings, may the public body also still choose to allow members of the public to attend and participate remotely?

A: Yes. There is nothing in the OMA preventing a public body from allowing members of the public to attend and participate remotely in meetings.



Frequently Asked Questions

11. Can a public body hold a “hybrid meeting”?

A: Yes. The public body may hold a meeting where members of the public body and members of the public have the option to either attend in person or remotely. Such meetings must provide for adequate alternative means of public access.

12. Can a public body hold a virtual-only meeting?

A: Yes. Pursuant to [Executive Order 22-20](#), public bodies may meet using only virtual means and members of the public must be provided access through adequate alternative means.

13. Can the public body require citizen-participants to mute themselves during the meeting or can the public body mute all non-members?

A: Yes, under the [Open Meetings Act](#), which does not require a public body to hold an open forum session. [See R.I. Gen. Laws § 42-46-6\(d\)](#). Therefore, a public body may require members of the public to mute themselves. However, this answer is limited to the requirements of the OMA. Other local laws or statutes may impose additional requirements.

14. Under the Executive Order, is a public body required to comply with state and federal laws regarding nondiscrimination on the basis of disability?

A: Yes. The accessibility requirements under the [OMA](#) have not been suspended and a public body must ensure that all meetings convened pursuant to the OMA and the Executive Order are open and accessible to persons with disabilities. [See R.I. Gen. Laws § 42-46-13](#).

15. Does a public body need to stop a meeting if there are problems with the remote connection?

A: If the meeting is a virtual or hybrid meeting and if there are problems with the remote connection that make it so that the public can no longer meaningfully access the meeting through adequate alternative means, then the public body should stop the meeting until remote access can be restored or re-schedule the meeting. [See Nassaney, et al. v. Richmond Town Council, OM 21-28](#). If an individual experiences connection issues and it is an isolated incident and there is no reason to believe that the problem was caused by the public body, then it will generally not be necessary to halt a meeting. [See Ahlquist v. Central Falls Detention Facility Corporation, OM 20-41](#).



Frequently Asked Questions

16. If a public body elects to meet only in person and to not provide adequate alternative means of access, but one or more members of the public body meet the requirements specified in [R.I. Gen. Laws § 42-46-5\(b\)\(2\) or \(b\)\(3\)](#) and are eligible to participate remotely, may those members still participate remotely?

A: Yes. Although the OMA generally prohibits members of a public body from meeting through virtual means, it contains narrow exceptions for individuals on active duty in the armed services or with a disability as specified in the statute. If a public body opts to meet in person only as would normally be the case under the OMA, and to not avail itself of the relief provided in the Executive Order, then the normal provisions of the OMA apply, including the narrow exceptions set forth in the statute that permit members to participate remotely if they meet the eligibility requirements specified in the OMA.

17. Are the other requirements of the OMA still in place?

A: Yes. Besides the provisions of the [OMA](#) that are specifically modified by the Executive Order, the rest of the OMA's provisions and requirements remain in place.

Questions & Guidance

If you have questions, our open government team is available to provide guidance on the OMA.

Email opengovernment@riag.ri.gov or call 401-274-4400.

This guide is provided as a public service by the Office of Attorney General and is intended to assist public bodies and provide guidance concerning Executive Order 22-20. This guide does not address all questions about Executive Order 22-20's requirements and is not intended to replace Executive Order 22-20 or the Open Meetings Act. This guide should not be construed as legal advice. Public bodies should refer to their legal counsel when questions regarding compliance arise. Revised February 2022.