



FACT SHEET

FROM: Erin Busch, Associate General Counsel
DATE: March 27, 2020
RE: Public Meetings and Nebraska Governor's Executive Order 20-03

Executive Order 20-03 Coronavirus – Public Meetings Requirement Limited Waiver

On March 17, 2020, Governor Ricketts issued an Executive Order providing a limited waiver of some of the requirements of the Open Meetings Act. The Executive Order states:

- The Executive Order applies to all governing bodies defined in the Open Meetings Act, including the Board of Regents of the University of Nebraska, and to all public meetings covered by the Act.
- The Executive Order permits the meeting of governing bodies via videoconference or teleconference so long as the public and media are able to participate in the meeting.
 - The Nebraska Attorney General's ("AG") guidance regarding Executive Order 20-03 clarifies that the access for the public or media may be by videoconference or teleconference and that the governing body does not need to provide access to the meeting for the public or press via in-person sites as long as there is not a quorum of the governing body attending the meeting in one location.
 - The AG's guidance specifically addresses "mixed meetings" where a portion of the governing body meets in person and a portion of the governing body joins the meeting via videoconference or teleconference. If a quorum of the governing body meets at an in-person location, then the governing body must allow the public and press to attend at the in-person location.
 - At this time, due to concerns regarding the in-person gathering of a large number of people, it is advisable for all members of governing bodies to meet virtually rather than in person.
 - Public bodies that wish to conduct virtual meetings in accordance with the Order should indicate in the meeting notice that the meeting will be held virtually.
- The advanced published notice and agenda requirements set forth in Neb. Rev. Stat. § 84-1411 and the remaining provisions of the Nebraska Open Meetings Act are still in effect and are not waived by the Order.
- The Executive Order applies to all public meetings held between March 17, 2020 and May 31, 2020.

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