Hi everyone,

I’ve been fielding a lot of questions regarding holding board meetings during this time. SDAO came out with some good advice on Friday and can be found here: http://www.sdao.com/s4/announcements/covid-19-meetings.aspx

Since SWCDs are such a wondrously unique group I’ve received some unique questions and thought I’d offer some best professional judgement advice for you. As always, my caveat is that if you want a definite and legal answer, please consult your legal counsel. Also remember to follow any federal, state, and local coronavirus related suggestions and requirements.

Feel free to give me a call at my office number (541-688-0396) if you want to talk through any specific scenarios. Stay safe and healthy!

**Do we have to hold our regular board meeting?**
You can postpone or cancel your regular board meeting. Many districts already do this during local harvest months. You may want to think about more frequent check-ins with your board chair (or other designated board member) to discuss finances and operational issues during the time without meetings.

**What about our annual meeting?**
You can postpone, but not cancel your annual meeting. Your annual meeting is required by statute. You can change the format to a “five-minute” version before your regular board meeting. You still need to notice it as an annual meeting, but it can be simply an opening, presentation of your annual report and financial report, and adjournment. I’ve seen some annual meetings last less than two minutes, but still meet the statutory requirements. You can also hold your annual meeting via conference/video call as long as you provide the call-in information to the public as well as provide a physical location for them to listen in.

**If we hold an electronic meeting (phone/video) how do we ensure the statutory requirement of public attendance?**
You will need to do two things: 1) Publish the call-in information and allow the public access to the audio and/or video conference line. They don’t necessarily get to participate, unless you invite them to, but they do get to listen. 2) You must also provide a physical location for the public to go to and listen in. Some districts already did this last week by having one or two board/staff members be in the regular meeting location with a conference call line open in the meeting room.

Just a reminder that allowing public comment/participation is a choice of the district and not required by statute. Statutorily, the district only needs to allow the public to attend.

**What if we still hold a physical meeting, are we required to provide a call-in number for a member of the public who does not want to attend in person?**
From my research, but this is not a definitive answer, I can find no requirement to provide a call-in number just because a member of the public does not want to attend in person. However, the district does have to abide by the Americans with Disability Act (ADA), and perhaps there may be some circumstances under the ADA where you would have to provide a call-in number.

Some districts have held “mixed” meetings with some board members calling in on a conference line and others being in the regular meeting room. You should provide both the call-in information and access to the regular meeting room to the public.

If you have a single board member or other attendee call in on a single phone line without conferencing ability, you do not necessarily have to provide the public with a call-in line.

**What if we want to appoint an Emergency/Executive Committee composed of a minority of board members to make decisions so the whole board doesn’t have to meet?**

Your board can appoint an E-Board or Executive Committee composed of a minority of board members, but it would still be subject to public meeting laws regardless of the number of board members on it. Any committee (or any type of group) appointed by the board and making decisions on behalf of the board or recommendations to the board still has to notice meetings, allow the public to attend, and take minutes.

**A few other points to remember:**

1. Make sure that your board members don’t start calling each other and/or emailing each other to talk about what to do during this emergency. They can still accidentally hold a serial public meeting. Their natural tendency might be to get on the phone and talk to figure thing out, so a gentle reminder might be needed.

2. We currently see no disruption to our ability to review and approve 4th quarter payments so you will have the resources to continue operations. If you need an extension for 3rd quarter reporting contact Sandi for an extension.

3. Your district should be prepared to adapt to the rapidly changing situation and be prepared to change operations based on federal, state, and local directives.

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